



I-70 East

Agency Consultation Addendum

January
2016

I-70 East Final Environmental Impact Statement

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TABLE OF CONTENTS

Chapter	Page
1 INTRODUCTION	1
2 AGENCY CONSULTATION THROUGHOUT THE FINAL EIS PROCESS	2
Air Quality Consultation	2
Section 106 Consultation	2
Section 6(f) and Section 4(f) Consultation	6
3 AGENCY CONSULTATION THROUGHOUT THE SUPPLEMENTAL DRAFT EIS PROCESS	7
U.S. Army Corps of Engineers Consultation.....	7
U.S. Environmental Protection Agency	7
Section 106 Consultation	7
4 AGENCY CONSULTATION THROUGHOUT THE DRAFT EIS PROCESS.....	11
U.S. Army Corps of Engineers.....	11
U.S. Environmental Protection Agency	11
Colorado Department of Public Health and Environment	12
U.S. Fish and Wildlife Service and Division of Wildlife	12
Urban Drainage and Flood Control District	12
Section 106 Consultation	13
Section 106 Tribal Consultation.....	16
Section 4(f) Consultation	18
Natural Resources Conservation Service.....	18

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1 INTRODUCTION

This addendum to Agency Consultation lists the key documents used to support and record the agency coordination activities performed during the I-70 East project.

Agencies involved in the documentation and participating in the review process include the Colorado Department of Public Health and Environment, Natural Resources Conservation Service, Consulting Parties and Tribes for Section 106, various agencies for 4(f) and 6(f) consultation, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, Colorado Parks and Wildlife (Division of Wildlife), and Urban Drainage and Flood Control District.

Documents in this addendum are listed by agency and presented chronologically, with the most recent documents listed last. Consultation for the Final EIS is included in this attachment; all other consultation listed is included in the original documents (Draft EIS or Supplemental Draft EIS).

2 AGENCY CONSULTATION THROUGHOUT THE FINAL EIS PROCESS

Air Quality Consultation

Date	Recipient	Submitter	Subject
1/27/2015	CDPHE, APCD, FHWA, and EPA	Jill Schlaefer, CDOT	Distribution of Final I-70 East Corridor FEIS Air Quality Analysis Protocol Addendum

Section 106 Consultation

Date	Recipient	Submitter	Subject
8/22/14	Ashley Bushey, CDOT	Rachel Parris Colorado Preservation, Inc.	Email: CPI Comments—Determinations of Effect; Interstate 70 (I-70) East Supplemental Draft Environmental Impact Statement Re-evaluation, Denver County and Adams County
9/5/14	Ashley Bushey, CDOT	George Gause, Denver Landmark Preservation	Determinations of Effect; Interstate 70 (I-70) East Supplemental Draft Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS#41831)
9/23/14	Charles Attardo, CDOT	Edward C. Nichols, Colorado Historical Society*	Determinations of Effect, Interstate 70 (I-70) East Supplemental Draft Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS#41831)
9/24/14	Charles Attardo, CDOT	John P. Olson, Historic Denver, Inc.	Determinations of Effect, I-70 East SDEIS Comments
10/2/2014	CDOT	Moye White LLP (Fairmount Cemetery Company)	Request for Additional Consulting Party Status in I-70 East Section 106 Consultation
3/4/2015	Edward C. Nichols, Colorado Historical Society*	Charles Attardo, CDOT	Determinations of Effect: Response to Comments; Interstate 70 (I-70) East Supplemental Draft Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS#41831)
3/20/2015	Ashley Bushey, CDOT	George Gause, Denver Landmark Preservation	Email: Section 106 Response to Comments; I-70 supplemental draft EIS re-evaluation (CHS #41831)
3/26/2015	Edward C. Nichols, Colorado Historical Society*	Charles Attardo, CDOT	Early Acquisition of Colonial Manor Motel, Interstate 70 (I-70) East Supplemental Draft Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS#41831)

Section 106 Consultation

Date	Recipient	Submitter	Subject
4/2/2015	Charles Attardo, CDOT	Edward C. Nichols, Colorado Historical Society*	Early Acquisition of Colonial Manor Motel, Interstate 70 (I-70) East Supplemental Draft Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS#41831)
4/6/15	Ashley Bushey, CDOT	Roxanne Eflin, Colorado Preservation, Inc.	Colonial Manor Motel, I-70 East Re-eval Project – No Comment
4/27/2015	Charles Attardo, CDOT	Edward C. Nichols, Colorado Historical Society	Determinations of Effect: Response to Comments: Interstate 70 (I-70) East Supplemental Draft Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS#41831)
4/29/2015	Edward C. Nichols, Colorado Historical Society*	Charles Attardo, CDOT	Effect Determination, Interstate 70 (I-70) East Draft Environmental Impact Statement, Denver County and Adams County (CHS#41831)
5/1/2015	Ashley Bushey, CDOT	George Gause, Denver Landmark Preservation	Email: I-70E Comment Resolution: Revised Effect Determination
5/4/2015	Edward C. Nichols, Colorado Historical Society*	Charles Attardo, CDOT	Section 106 APE Modification, Additional Eligibility and Effect Determinations, Interstate 70 (I-70) East Corridor Supplemental Draft Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS #41831)
5/7/2015	Charles Attardo, CDOT	Edward C. Nichols, Colorado Historical Society*	Determinations of Effect: Response to Comments: Interstate 70 (I-70) East Supplemental Draft Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS#41831)
5/29/2015	Ashley Bushey, CDOT	George Gause, Denver Landmark Preservation	Section 106 APE Modification, Additional Eligibility and Effect Determinations, Interstate 70 (I-70) East Supplemental Draft Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS #41831)
6/2/2015	Charles Attardo, CDOT*	Edward C. Nichols, Colorado Historical Society*	Section 106 APE Modification, Additional Eligibility and Effect Determinations, Interstate 70 (I-70) East Final Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS #41831)
6/4/2015	Edward C. Nichols, Colorado Historical Society*	Charles Attardo, CDOT	Additional Eligibility and Effect Determinations, Interstate 70 (I-70) East Corridor Final Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS #41831)

Section 106 Consultation

Date	Recipient	Submitter	Subject
6/15/2015	Reid Nelson, ACHP	Stephanie Gibson, FHWA	Documentation of Adverse Effect, Colorado Department of Transportation Project AQC R600-165: Interstate 70 East (I-70) Corridor Environmental Impact Statement (EIS), Denver and Adams Counties, Colorado
6/15/2015	Charles Attardo, CDOT	Edward C. Nichols, Colorado Historical Society	Additional Eligibility and Effect Determinations, Interstate 70 (I-70) East Corridor Final Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS #41831)
6/15/2015	Ashley Bushey, CDOT	George Gause, Denver Landmark Preservation	Additional Eligibility and Effect Determinations, Interstate 70 (I-70) East Corridor Final Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS #41831)
7/06/2015	John Cater, FHWA	LaShavio Johnson, ACHP	Proposed I-70 East Corridor Improvements Project, Denver and Adams Counties, Colorado
9/2/2015	Edward C. Nichols, Colorado Historical Society*	Charles Attardo, CDOT	APE Update, Updated Effect Determinations and <i>De Minimis</i> Notification, Interstate 70 (I-70) East Corridor Final Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS #41831)
9/8/2015	Charles Attardo, CDOT	Edward C. Nichols, Colorado Historical Society	APE Update, Updated Effect Determinations and <i>De Minimis</i> Notification, Interstate 70 (I-70) East Corridor Final Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS #41831)
9/15/2015	Edward C. Nichols, Colorado Historical Society*	Charles Attardo, CDOT	Modified Section 106 Determinations of Effect and Section 4(f) notifications, Interstate 70 (I-70) East Corridor Final Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS #41831)
9/15/2015	Charles Attardo, CDOT	Edward C. Nichols, Colorado Historical Society	Modified Section 106 Determinations of Effect and Section 4(f) notifications, Interstate 70 (I-70) East Corridor Final Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS #41831)
9/15/2015	Ashley Bushey, CDOT	Roxanne Eflin, Colorado Preservation, Inc.	CDOT I70E Modified Effects Consultation
10/9/2015	Steve Turner, Colorado Historical Society*	Charles Attardo, CDOT	Updated Effects Determinations and <i>De Minimis</i> Notification, Interstate 70 (I-70) East Corridor Final Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS #41831)

Section 106 Consultation

Date	Recipient	Submitter	Subject
10/13/2015	Charles Attardo, CDOT	Steve Turner, Colorado Historical Society	Updated Effects Determinations and <i>De Minimis</i> Notification, Interstate 70 (I-70) East Corridor Final Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS #41831)
10/14/2015	Ashley Bushey, CDOT	Roxanne Eflin, Colorado Preservation, Inc.	I-70 E Updated 106 Effects
10/15/2015	Ashley Bushey, CDOT	George Gause, Denver Landmark Preservation	Updated DeMinimis CHS#41831
10/16/2015	Ashley Bushey, CDOT	Dominick Sekich, Fairmount Cemetery	Response to Draft Section 106 Programmatic Agreement for I-70 East Corridor Expansion
10/19/2015	Charles Attardo, CDOT	Dominick Sekich, Fairmount Cemetery	Concerns with Drainage Easement for I-70 East Corridor Expansion
10/23/2015	Steve Turner, Colorado Historical Society*	Charles Attardo, CDOT	APE Modification and Updated Effect Determinations, Interstate 70 (I-70) East Corridor Final Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS #41831)
10/23/2015	Charles Attardo, CDOT	Steve Turner, Colorado Historical Society	Re: APE Modification and Updated Effect Determinations, Interstate 70 (I-70) East Corridor Final Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS #41831)
10/23/2015	Ashley Bushey, CDOT	Roxanne Eflin, Colorado Preservation, Inc.	I70E APE Modification and Effects Update
11/2/2015	Ashley Bushey, CDOT	Patricia Carmody, Fairmount Heritage Foundation	I70E APE Modification and Effects Update

*Consulting parties (Historic Denver, Inc., Colorado Preservation, Inc., City and County of Denver Landmark Preservation Commission, Fairmount Heritage Foundation, and Fairmount Cemetery Company) also received a copy of this correspondence.

Section 6(f) and Section 4(f) Consultation

Date	Meeting	Attendees	Subject
6/3/2015	South Platte River Greenway Trail and Globeville Landing Park	Troy Halouska, CDOT; Vanessa Henderson, CDOT; Melanie Gose, DNR; Thomas Morrissey, DNR	I-70 East Project Section 6(f) Discussion
6/23/2015	South Platte River Greenway Trail and Globeville Landing Park	Troy Halouska, CDOT; Vanessa Henderson, CDOT; Chris Yanez (Denver Parks and Recreation), Gordon Robertson (Denver Parks and Recreation)	I-70 East Project Section 6(f) and Section 4(f) Discussion
10/13/2015	South Platte River Greenway and Globeville Landing Park	Tom Morrissey, CPW; Melanie Gose, CPW; Cincere Eads, Denver Parks; Steve Coggins, Denver Public Works; Becky Simon, Denver Public Works; Troy Halouska, CDOT; Vanessa Henderson, CDOT	I-70 East Section 6(f) Concurrence Meeting

Date	Recipient	Submitter	Subject
10/14/2015	Allegra "Happy" Haynes, Denver Parks and Recreation	Vanessa Henderson, CDOT	I-70 East Highway Project South Platte River Greenway and Globeville Landing Park*

*This letter has been signed and returned by the recipient.

3 AGENCY CONSULTATION THROUGHOUT THE SUPPLEMENTAL DRAFT EIS PROCESS

U.S. Army Corps of Engineers Consultation

Date	Recipient	Submitter	Subject
05/04/2013	Tim Carey, U.S. Army Corps of Engineers	Aaron Eilers, CDOT	Jurisdictional determination for wetlands found within the I-70 East Corridor environmental impact statement project area
07/09/2013	Aaron Eilers, CDOT	J. Scott Franklin, U.S. Army Corps of Engineers	I-70 East, I-25 to Tower Road - Approved Jurisdictional Determination Corps File No. NWO-2013-1163-DEN
03/17/2014	Kiel Downing, U.S. Army Corps of Engineers	Aaron Eilers, CDOT	I-70 East Corridor Section 404/NEPA Merger Corps File No. NWO-2013-1163-DEN
05/21/2014	Aaron Eilers, CDOT	Kiel Downing	I-70 East Corridor Section 404/NEPA Merger

U.S. Environmental Protection Agency

Date	Recipient	Submitter	Subject
05/02/2013	James B. Martin, EPA	Jane Hann, CDOT	Request for EPA approval of carbon monoxide hot spot analytical methodology for the I-70 East SDEIS
06/12/2013	Jane Hann, CDOT	Shaun L. McGrath, EPA	Response to CDOT request for EPA approval of carbon monoxide hot spot analytical methodology for the I-70 East SDEIS

Section 106 Consultation

Date	Recipient	Submitter	Subject
02/09/2009	Edward C. Nichols, Colorado Historical Society*	Jim Paulmeno, CDOT	I-70 East Corridor Draft EIS/Draft Section 4(f) Evaluation Section 106 Effects Determination
10/20/2009	Amy Pallante, Colorado Historical Society*	Dianna Litvak, CDOT	Email: Update on the I-70 East Environmental Impact Statement
11/23/2009	Amy Pallante, Colorado Historical Society*	Dianna Litvak, CDOT	Email: Meeting follow-up
12/04/2009	Amy Pallante, Colorado Historical Society*	Dianna Litvak, CDOT	Email: Meeting summary

Section 106 Consultation

Date	Recipient	Submitter	Subject
12/07/2009	Dianna Litvak, CDOT	Patrick Eidman, Colorado Preservation, Inc.	Email: Eligibility questions
01/12/2010	Patrick Eidman, Colorado Preservation, Inc.	Dianna Litvak, CDOT	Email: Eligibility response
01/13/2010	Edward C. Nichols, Colorado Historical Society*	Jim Paulmeno, CDOT	I-70 East Corridor Draft EIS Section 106 Effects Determinations
02/17/2010	Jim Paulmeno, CDOT	Edward C. Nichols, Colorado Historical Society	I-70 East Corridor Draft EIS Section 106 Effects Determinations (CHS #41841)
02/17/2010	Amy Pallante, Colorado Historical Society*	Dianna Litvak, CDOT	Email: February 8th Meeting Minutes
02/22/2010	Dianna Litvak, CDOT	Amy Cole, National Trust for Historic Preservation	Email: February 8th Meeting Minutes
12/27/2012	Edward C. Nichols, Colorado Historical Society*	Elizabeth Kemp-Herrera, CDOT	Revised Area of Potential Effect for Historic Survey within the I-70 East Corridor Supplemental Draft East Environmental Impact Statement
01/04/2013	Elizabeth Kemp-Herrera, CDOT	Edward C. Nichols, Colorado Historical Society*	Revised Area of Potential Effect for Historic Survey within the I-70 East Supplemental Draft East Environmental Impact Statement (CHS #41831)
01/18/2013	Ashley L. Bushey, CDOT	George Gause, Denver Landmark Preservation Commission	Revised Area of Potential Effect for Historic Survey within the I-70 East Corridor Supplemental Draft East Environmental Impact Statement
05/28/2013	Elizabeth Kemp-Herrera, CDOT	Edward C. Nichols, Colorado Historical Society	Eligibility Determinations, I-70 East Corridor Supplemental Draft Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS #41831)
08/27/2013	Edward C. Nichols, Colorado Historical Society*	Charles Attardo, CDOT	Additional Information, I-70 East Corridor Supplemental Draft Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS #41831)

Section 106 Consultation

Date	Recipient	Submitter	Subject
09/06/2013	Charles Attardo, CDOT	Edward C. Nichols, Colorado Historical Society	Additional Information, I-70 East Corridor Supplemental Draft Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS #41831)
10/24/2013	Edward C. Nichols, Colorado Historical Society*	Charles Attardo, CDOT	APE Modification and Additional Eligibility Determinations, Interstate 70 (I-70) East Corridor Supplement Draft Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS #41831)
10/28/2013	Ashley L. Bushey, CDOT	George Gause, Denver Landmark Preservation Commission	APE Modification and Additional Eligibility Determinations, Interstate 70 (I-70) East Corridor Supplement Draft Environmental Impact Statement Re-evaluation (CHS #41831)
10/30/2013	Rachel Parris, Colorado Preservation, Inc.	Ashley L. Bushey, CDOT	Re: APE Modification and Additional Eligibility Determinations, Interstate 70 (I-70)
11/07/2013	Charles Attardo, CDOT	Edward C. Nichols, Colorado Historical Society	APE Modification and Additional Eligibility Determinations, Interstate 70 East Corridor Supplement Draft Environmental Impact Statement Re-evaluation, Denver and Adams Counties (CHS #41831)
11/19/2013	Ashley L. Bushey, CDOT	Patricia Carmody, Fairmount Heritage Foundation	Invitation to Comment: I-70 East APE Modification and Additional Determinations of Eligibility
12/19/2013	Edward C. Nichols, Colorado Historical Society*	Charles Attardo, CDOT	APE Modification and Additional Eligibility Determination, Interstate 70 (I-70) East Corridor Supplemental Draft Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS #41831)
01/07/2014	Charles Attardo, CDOT	Edward C. Nichols, Colorado Historical Society	APE Modification and Additional Eligibility Determination, Interstate 70 (I-70) East Corridor Supplemental Draft Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS #41831)
01/30/2014	Edward C. Nichols, Colorado Historical Society*	Charles Attardo, CDOT	Request for Additional Information on APE Modification, Interstate 70 (I-70) East Corridor Supplemental Draft Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS #41831)

Section 106 Consultation

Date	Recipient	Submitter	Subject
02/11/2014	Ashley L. Bushey, CDOT	George Gause, Denver Landmark Preservation Commission	Interstate 70 East Corridor Supplemental Draft EIS re-evaluation APE modification
02/13/2014	Ashley L. Bushey, CDOT	Rachel Parris, Colorado Preservation, Inc.	I-70 APE Modification (East Corridor)
02/14/2014	Charles Attardo, CDOT	Edward C. Nichols, Colorado Historical Society	APE Modification, Interstate 70 (I-70) East Corridor Supplemental Draft Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS #41831)
07/29/2014	Edward C. Nichols, Colorado Historical Society*	Charles Attardo, CDOT	Determinations of Effect, Interstate 70 (I-70) East Corridor Supplemental Draft Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS #41831)

*Consulting parties (Historic Denver, Inc., Colorado Preservation, Inc., City and County of Denver Landmark Preservation Commission, and the Fairmount Heritage Foundation) also received a copy of this correspondence.

4 AGENCY CONSULTATION THROUGHOUT THE DRAFT EIS PROCESS

U.S. Army Corps of Engineers

Date	Recipient	Submitter	Subject
1/21/04	Margaret Langworthy, USACE	William C. Jones, FHWA, and Lee O. Waddleton, FTA	Invitation to become Cooperating Agency
1/27/04	William C. Jones, FHWA, and Lee O. Waddleton, FTA	Timothy T. Carey, USACE	I-70 East Corridor EIS: Denver and Adams Counties, Colorado
3/28/05	Timothy T. Carey, USACE	David A. Nicol, FHWA	Concurrence Request for the I-70 East Corridor; Environmental Impact Statement NEPA/404 Merger Process
4/6/05	David Nicol, FHWA	Timothy T. Carey, USACE	I-70 East EIS
6/23/06	Terry McKee, USACE	R.A. Plummer, PBS&J	I-70 East Wetlands Jurisdictional Determination
1/09/07	R.A. Plummer, PBS&J Nicolle Esquivel, PBS&J	Timothy T. Carey, USACE	I-70 East Wetlands Jurisdictional Determination (Corps File No. 200680428)
5/21/07	Timothy T. Carey, USACE	David Nicol, FHWA	Concurrence Request for the I-70 East EIS
7/3/07	Timothy T. Carey, USACE	David Nicol, FHWA	Concurrence Request for the I-70 East EIS
7/10/07	David Nicol, FHWA	Timothy T. Carey, USACE	I-70 East EIS (Highway Only)
4/11/08	Terry McKee, USACE	Mark Boggs, PBS&J	I-70 East Environmental Impact Statement: Wetlands Delineation Approval (Corps File No. 200680428)
4/28/08	Margaret Langworthy, USACE	Nicolle Kord	Wetlands Delineation Approval

U.S. Environmental Protection Agency

Date	Recipient	Submitter	Subject
12/30/03	Donald Cover, FTA; William C. Jones, FHWA; John Muscatell, CDOT	Larry Svoboda, EPA	Scoping Comments on the I-70 East Corridor Project, Denver, CO

Colorado Department of Public Health and Environment

Date	Recipient	Submitter	Subject
1/21/04	Jim DiLeo, CDPHE	William C. Jones, FHWA, and Lee O. Waddleton, FTA	Invitation to become a Cooperating Agency
3/18/04	Barry Schulz, PBS&J	James DiLeo, CDPHE	Response to 1/21/04 letter accepting to become Cooperating Agency
6/21/06	Jim DiLeo, CDPHE	William C. Jones, FHWA	Invitation to become Cooperating Agency (post-split)

U.S. Fish and Wildlife Service and Division of Wildlife

Date	Recipient	Submitter	Subject
3/23/04	Susan C. Linner, USFWS	Sharon Lipp, CDOT, and Mike Turner, RTD	List of Federally Listed Candidate, Threatened, and Endangered Species
3/23/04	Vicki Vargas-Madrid, CDOW	Sharon Lipp, CDOT, and Mike Turner, RTD	State-Sensitive Wildlife and Fish Species
4/8/04	Sharon Lipp, CDOT	Susan C. Linner, USFWS	Response to 3/23/04 letter requesting list of federally listed candidate, threatened, and endangered species
4/29/04	Tom Jackson, Rocky Mountain Arsenal National Wildlife Refuge - USFWS	Sharon Lipp, CDOT, and Mike Turner, RTD	Request for Information
10/12/06	Susan Linner, USFWS	Sharon Lipp, CDOT	List of Federally Listed Candidate, Threatened, and Endangered Species)
10/12/06	Vicki Vargas-Madrid, CDOW	Sharon Lipp, CDOT	List of Federally Listed Candidate, Threatened, and Endangered Species
11/09/06	Nicolle Esquivel, PBS&J	Susan Linner, USFWS	Response to 10/12/06 letter requesting list of federally listed candidate, threatened, and endangered species

Urban Drainage and Flood Control District

Date	Recipient	Submitter	Subject
10/16/03	Sharon Lipp, CDOT, and Mike Turner, RTD	Bill DeGroot, Urban Drainage and Flood Control District	Scoping comments for the I-70 East EIS
3/7/05	David Mallory, Urban Drainage and Flood Control District	Sharon Lipp, CDOT, and Mike Turner, RTD	I-70 East Corridor EIS—Request for Information

Section 106 Consultation

Date	Recipient	Submitter	Subject
6/15/05	Colorado Rail Museum Jim Rakke, Aurora Historic Sites Division Mark Rodman, Colorado Preservation Inc. Tom Waymaire, High Line Canal Preservation Association Nicole Hernandez, Historic Denver, Inc. Barbara Pahl, National Trust for Historic Preservation Everett Shigeta, Landmark Preservation Commission	Brad Beckham, CDOT EPB	Section 106 Historic Properties Consultation, I-70 East Corridor Environmental Impact Statement
6/16/05	Georgianna Contiguglia, Colorado Historical Society*	Brad Beckham, CDOT EPB	APE and Methodology for Historic Survey, I-70 East Corridor Environmental Impact Statement
6/23/05	Brad Beckham, CDOT EPB	Georgianna Contiguglia, Colorado Historical Society	APE and Methodology for Historic Survey, I-70 East Corridor Environmental Impact Statement (CHS #41831)
6/30/05	Lisa Schoch, CDOT EPB	Amy Cole, National Trust for Historic Preservation	I-70 East Corridor EIS
7/1/05	Lisa Schoch, CDOT EPB	Ira C. Selkowitz, Historic Denver, Inc.	Section 106 Historic Properties Consultation, US Highway 36 EIS
No date	Brad Beckham, CDOT	Kenton Forest, Colorado Railroad Museum	Response to 6/15/05 letter accepting to become Consulting Party
9/05/06	Don Klima, Advisory Council on Historic Preservation Georgianna Contiguglia, Colorado Historical Society*	David A. Nicol, FHWA	I-70 East Environmental Impact Statement - Request to Merge Section 106 with NEPA Process

Section 106 Consultation

Date	Recipient	Submitter	Subject
1/26/07	Georgianna Contiguglia, Colorado Historical Society*	Brad Beckham, CDOT	APE for the Interstate 70 (I-70) East Environmental Impact Statement
1/27/07	Dan Jepson, CDOT	Mark A. Rodman, Colorado Preservation, Inc.	Request to become a consulting party for the I-70 East EIS
2/13/07	Brad Beckham, CDOT	Georgianna Contiguglia, Colorado Historical Society	APE for the Interstate 70 (I-70) East Environmental Impact Statement (CHS #41831)
2/14/07	Georgianna Contiguglia, Colorado Historical Society*	Brad Beckham, CDOT	Eligibility Determination for Potential Direct and Indirect Effects to Affected Properties, I-70 East Environmental Impact Statement
2/20/07	Amy Cole, Historic Preservation; Kenton Forrest, Colorado Railroad Museum Ira Selkowitz, Historic Denver; Mark Rodman, Colorado Preservation	Brad Beckham, CDOT	Eligibility Determination for Potential Direct and Indirect Effects to Affected Properties, I-70 East Environmental Impact Statement
2/27/07	Brad Beckham, CDOT	Georgianna Contiguglia, Colorado Historical Society	I-70 East Environmental Impact Statement, Eligibility Determinations for Potential Direct and Indirect Effects to Affected Properties
5/31/07	Brad Beckham, CDOT	Georgianna Contiguglia, Colorado Historical Society	I-70 East Environmental Impact Statement, Eligibility Determinations for Potential Direct and Indirect Effects to Affected Properties
6/15/07	Georgianna Contiguglia, Colorado Historical Society*	Brad Beckham, CDOT	Eligibility Determinations and Additional Information, I-70 East Environmental Impact Statement (CHS #41831)
7/26/07	Brad Beckham, CDOT	Georgianna Contiguglia, Colorado Historical Society	Eligibility Determinations and Additional Information, I-70 East Environmental Impact Statement (CHS #41831)
8/27/07	Georgianna Contiguglia, Colorado Historical Society*	Brad Beckham, CDOT	Additional Information, I-70 East Environmental Impact Statement (CHS #41831)

Section 106 Consultation

Date	Recipient	Submitter	Subject
9/13/07	Everett Shigeta, Landmark Preservation Commission	Brad Beckham, CDOT	Section 106 Eligibility Determinations and Additional Information, I-70 East Environmental Impact Statement
9/19/07	Brad Beckham, CDOT	Georgianna Contiguglia, Colorado Historical Society	Additional Information, I-70 East Environmental Impact Statement (CHS #41831)
9/20/07	Brad Beckham, CDOT	Everett Shigeta, Landmark Preservation Commission	Section 106 Eligibility Determinations and Additional Information, I-70 East Environmental Impact Statement
10/3/07	Amy Pallante, Colorado Historical Society*	Dianna Litvak, CDOT	Email: 5DV10085
10/15/07	Dianna Litvak, CDOT	Georgianna Contiguglia, Colorado Historical Society	I-70 East Environmental Impact Statement: Results of the Intensive Cultural Resource Survey, 5DV.10085 (CHS #41831)
12/10/07	Georgianna Contiguglia, Colorado Historical Society*	Brad Beckham, CDOT	Additional Eligibility Information, I-70 East Environmental Impact Statement (CHS #41831)
12/19/07	Brad Beckham, CDOT	Georgianna Contiguglia, Colorado Historical Society	Additional Information, I-70 East Environmental Impact Statement (CHS #41831)
1/8/08	Everett Shigeta, Landmark Preservation Commission	Dianna Litvak, CDOT	Email: SHPO Response for I-70 East
1/16/08	Dianna Litvak, CDOT	Everett Shigeta, Landmark Preservation Commission	Email: SHPO Response for I-70 East
1/10/08	Dianna Litvak, CDOT	Ann Pritzlaff, Colorado Preservation, Inc.	I-70 East Environmental Impact Statement

*Consulting parties (Landmark Preservation Commission, National Trust for Historic Preservation, Colorado Railroad Museum, Historic Denver, and Colorado Preservation, Inc.) also received a copy of this correspondence.

Section 106 Tribal Consultation

Date	Recipient	Submitter	Subject
4/20/04	Burton Hutchinson, Northern Arapaho Business Council William L. Pedro, Cheyenne & Arapaho Tribes of Oklahoma Joe Big Medicine, Cheyenne & Arapaho Tribes of Oklahoma Alonzo Sankey, Cheyenne & Arapaho Tribes of Oklahoma Gordon Yellowman, Cheyenne & Arapaho Tribes of Oklahoma Gilbert Brady, Northern Cheyenne Tribe Reverend George Daingkau, Kiowa Tribe of Oklahoma Jimmy Arterberry, Comanche Nation of Oklahoma Robert Goggles, Northern Arapaho Tribe Howard Brown, Northern Arapaho Tribe Alice Alexander, Pawnee Nation of Oklahoma Jim Picotte, Cheyenne River Sioux Tribe, Tim Mentz, Standing Rock Sioux Tribe Terry Gray, SGU Heritage Center Robert Tabor, Arapaho Bus Committee Harold C. Frazier, River Sioux Tribal Council George E. Howell, Pawnee Nation of Oklahoma Clifford McKenzie, Kiowa Tribe of Oklahoma Wallace Coffey, Comanche Tribal Business Committee Charles W. Murphy, Rock Sioux Tribal Council William Kindle Rosebud Sioux Tribe Geri Small, Northern Cheyenne Tribe Roxanne Sazue, Crow Creek Sioux Tribal Council John Yellowbird, Oglala Sioux Tribal Council	William C. Jones, FHWA, and Lee O. Waddleton, FTA	Request for Section 106 Consultation, Interstate 70 East Corridor Environmental Impact Statement, Adams, Arapahoe and Denver Counties, Colorado

Section 106 Tribal Consultation

Date	Recipient	Submitter	Subject
7/23/04	Howard Brown, Northern Arapaho Tribe William L. Pedro, Cheyenne and Arapahoe Tribes of Oklahoma Gordon Yellowman, Cheyenne and Arapahoe Tribes of Oklahoma	Douglas Bennett, FHWA	Request for Section 106 Consultation, North I-25 Front Range Environmental Impact Statement, Adams, Boulder, Broomfield, Denver, Jefferson, Larimer, and Weld Counties, Colorado Request for Section 106 Consultation, Interstate 70 East Corridor Environmental Impact Statement, Adams, Arapahoe and Denver Counties, Colorado
No date	Dan Jepson, CDOT	Alice Alexander, Pawnee Nation of Oklahoma	Section 106 Consultation Interest Response Form
No date	Dan Jepson, CDOT	Tim Mentz, Standing Rock Sioux Tribe	Section 106 Consultation Interest Response Form
8/23/04	Dan Jepson, CDOT	Gilbert Brady, Northern Cheyenne Tribe	Section 106 Consultation Interest Response Form

Section 4(f) Consultation

Date	Meeting	Attendees	Subject
9/7/06	I-70 East Section 4(f) Staff	Representatives from CDOT, FHWA, and PBS&J	I-70 East 4(f) Meeting
10/23/06	Sand Creek Greenway	Representatives from Sand Creek Greenway Partnership, Denver, CDOT, FHWA, and PBS&J	Sand Creek Greenway Coordination
4/18/07	South Platte River Greenway	Representatives from Denver, CDOT, and PBS&J	South Platte River Greenway – 4(f) Consultation
5/11/07	Swansea Elementary School	Representatives from DPS, FHWA, CDOT, and PBS&J	Swansea Elementary School Coordination Meeting
5/16/07	Section 4(f) Coordination	Representatives from Commerce City, Denver, FHWA, CDOT, and PBS&J	4(f) Consultation Meeting
6/20/07	Section 4(f) Coordination	Representatives from Aurora Parks, Denver, Commerce City, FHWA, CDOT, and PBS&J	Discussion of potential Section 4(f) resources that may be impacted by the alternatives
7/31/07	Jess Ortiz, Denver	Anthony Stewart, CDOT	I-70 East Environmental Impact Statement, Temporary Detour for South Platte River Greenway Trail

Natural Resources Conservation Service

Date	Recipient	Submitter	Subject
4/29/04	State Conservationist	Sharon Lipp, CDOT, and Mike Turner, RTD	Prime and Unique Farmlands (7CFR 658)
5/5/04	Brent Billingsley, PBS&J	Thomas J. Weber, Natural Resources Conservation Service	Prime and Unique Farmlands (7CFR 658) letter dated 4/29/04

Wallis, Carrie

From: Schlaefer - CDOT, Jill <jill.schlaefer@state.co.us>
Sent: Tuesday, January 27, 2015 11:56 AM
To: Keith Stefanik - CDOT; emmett.malone@state.co.us; dale.wells@state.co.us; rosendo.majano@state.co.us; doris.jung@state.co.us; Matichuk, Rebecca; Jeff.Houk@dot.gov; michael.claggett@dot.gov; kevin.briggs@state.co.us; jim.dileo@state.co.us; Anderson, Carol; Jackson, Scott; Russ.Tim@epamail.epa.gov
Cc: jill.schlaefer@state.co.us; Jordan Rudel - CDOT; sabrina.williams@state.co.us; Wallis, Carrie; Iltis, Andrew L
Subject: Distribution of Final I-70 East Corridor FEIS Air Quality Analysis Protocol Addendum
Attachments: Final Protocol AirQuality I-70 East FEIS_012715.pdf

Attached for your information is the Final version of the I-70 East Corridor Final EIS Air Quality Analysis Protocol Addendum. This redistributed document includes the latest USEPA clarification on dispersion modeling grid definitions, modified from guidance utilized in the Supplemental Draft EIS protocol. (Please see page 4, Dispersion Modeling, paragraph 1 for this modification.)

No further response is required. Thank you.

Jill Schlaefer
Quality and Noise Programs
Manager

Air



P 303.757.9016 | C 303.514.2987
4201 E. Arkansas Ave., Shumate, Denver, CO 80222

jill.schlaefer@state.co.us | www.coloradodot.info/programs/environmental/



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STATE OF
COLORADO

Bushey - CDOT, Ashley <ashley.bushey@state.co.us>

RE: CPI Comments - Determinations of Effect, Interstate 70 (I-70) East Supplemental Draft Environmental Impact Statement Re-evaluation, Denver County and Adams County

1 message

Rachel Parris <rparris@coloradopreservation.org>
To: "Bushey - CDOT, Ashley" <ashley.bushey@state.co.us>

Fri, Aug 22, 2014 at 3:20 PM

Yes ma'am!

From: Bushey - CDOT, Ashley [mailto:ashley.bushey@state.co.us]
Sent: Friday, August 22, 2014 12:56 PM
To: Rachel Parris
Subject: Re: CPI Comments - Determinations of Effect, Interstate 70 (I-70) East Supplemental Draft Environmental Impact Statement Re-evaluation, Denver County and Adams County

May I infer from your response that CPI is comfortable with the determinations of effect outlined in the report?

Ashley

Ashley L. Bushey

Senior Historian
Planning & Environmental



COLORADO
Department of Transportation
Region 1

P 303.757.9397 | F 303.757.9036

2000 South Holly Street, Second Floor Denver, CO 80222

ashley.bushey@state.co.us | www.coloradodot.info | www.cotrip.org

On Fri, Aug 22, 2014 at 12:53 PM, Rachel Parris <rparris@coloradopreservation.org> wrote:

Ashley,

Thank you for hand delivering our materials for comment regarding the I-70 EIS. After reviewing the materials we feel that the revised Viaduct Alternative (South Option) proves to be the least harmful to the built environment throughout the neighborhoods. We do however recognize that the community may see another option as more favorable. We look forward to continuing discussions with all parties, and found the materials to be quite comprehensive.

Best,

Rachel Parris

Projects Manager, Colorado Preservation, Inc.

1420 Ogden Street, Suite 104

Denver, CO 80218

Phone: 303-893-4260, Ext. 236

Visit us at www.ColoradoPreservation.org

Become a member today and help us build a future with historic places!





Community Planning and Development
Denver Landmark Preservation

201 West Colfax, Dept. 205
Denver, CO 80202
p: (720)-865-2709
f: (720)-865-3050

www.denvergov.org/preservation

E-Mail: landmark@denvergov.org

September 5, 2014

Ashley L. Bushey
State of Colorado; Department of Transportation
Region 1, Planning and Environmental
2000 South Holly Street
Denver, CO 80222

Subject: Determinations of Effect, Interstate 70 (I-70) East Supplemental Draft Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS #41831)

Thank you for the opportunity to provide comments for the proposal.

We are providing comments based on our role as Certified Local Government (CLG) representative for Denver County, Colorado for compliance with Section 106 (36 CFR 800) of the National Historic Preservation Act and the National Environmental Policy Act (NEPA).

Denver Landmark staff presented the report to the Denver Landmark Preservation Commission at their September 2, 2014 meeting. Our office concurs with the determinations of Effect for the I-70 East Supplemental Draft Environmental Impact Statement as outlined in your August 2014 report.

Again, thank you for providing the information. If you need further information, please do not hesitate to contact our office.

Sincerely,

George Gause
Denver Landmark Preservation staff
City & County of Denver Colorado



September 23, 2014

Charles Attardo
Region 1 Planning and Environmental Manager
Colorado Department of Transportation, Region 1
2000 South Holly Street
Denver, CO 80222

Re: Determinations of Effect, Interstate 70 (I-70) East Supplemental Draft Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS #41831)

Dear Mr. Attardo:

Thank you for your correspondence dated July 29, 2014 and received on August 7, 2014 by our office regarding the consultation of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106). After review of the provided information and assessment of adverse effect, we concur with the recommended findings except for the resources listed below.

- 5DV.10050, including 5DV.3815, 5DV.9162 [5DV.9282], 5DV.10059, 5DV.10060 [5DV.9162], 5DV.10081, 5DV.10082, and 5DV.10447)
 - No-Action Alternative, North Option: The narrative states that because the Denver Coliseum/5DV.9162 is 800 feet west of the portion of the viaduct that would be replace it would not be indirectly affected. Why is 800 feet determined for this evaluation?
 - No-Action Alternative, South Option: See above.
 - Revised Viaduct Alternative, North Option: Why has 800 feet been accepted by CDOT as being a distance in which indirect effects are not considered?
 - Revised Viaduct Alternative, South Option: See above.
 - Partial Cover Lowered Alternative: In this alternative, the work is to be 360 feet away from the historic district and not visible. As with the 800 feet marker, please provide more information on why these distances have been determined.
- 5DV.1247
 - No-Action Alternative, North Option: The narrative states that the viaduct widening would “slightly” move closer to this resource. The narrative does not state how far the current viaduct is from this resource. We are not able to fully evaluate the movement of the new viaduct without understanding how close the current viaduct is to the resource. Please provide more information on the current distance of the viaduct from this property. Please note that modern visual or auditory elements outside of a historic property may lessen the integrity of the historic setting outside of the historic property’s boundary, but the setting within the historic property’s boundary is intact. Also, the lessening of the integrity of the historic setting does not negate the introduction of new visual or auditory elements from this project.

Attention must also be given to how much integrity is being lost with the cumulative addition of the CDOT project.

- No-Action Alternative, South Option: See above.
 - Revised Viaduct Alternative, North Option: The narrative states that the highway will remain in its current location, but be widened to the north by approximately 250 feet. We are not able to fully evaluate the movement of the new viaduct towards the resource without understanding how close the current viaduct is to the resource. Please provide more information on the current distance of the highway to this resource. This distance is critical in understanding how close the 12- to 14- foot noise walls will be to the historic setting within this property. Modern visual intrusions have occurred outside the historic boundary for this resource, but the addition of a 12- to 14-foot noise wall next to the property may diminish the historic setting of this property, whether or not the current historic setting is described as poor.
 - Revised Viaduct Alternative, South Option: See above.
 - Partial Cover Lowered Alternative: The narrative states that the roadway will move 350 feet closer to this resource. What is the current footage distance from the highway to the resource? How close will the highway be to the property historic boundary?
- 5DV.9660
 - No-Action Alternative, North Option: The narrative states that the proposed viaduct would be 300 feet from this resource and that no indirect effects are expected. Why are no indirect effects expected within 300 feet?
 - No-Action Alternative, South Option: See above.
 - Revised Viaduct Alternative, North Option: The narrative states that the highway would be widened and move approximately 275 feet closer to this property. Without knowing the current distance of the highway from this property, it is difficult to determine if moving 275 feet closer is an adverse effect. Please provide more information on the current distance. In our opinion, the addition of 12- to 14-foot noise walls may be an adverse effect. Modern visual intrusions have occurred outside the historic boundary for this resource, but the addition of a 12- to 14-foot noise walls next to the property may diminish the historic setting of this property, whether or not the current historic setting is described as poor. How close will the noise walls be to the historic boundary of this property?
 - Revised Viaduct Alternative, South Option: See above.
 - Partial Cover Lowered Alternative: The narrative states that the roadway will move 275 feet closer to this resource. What is the current footage distance from the highway to the resource? How close will the highway be to the property's historic boundary?
- 5DV.9735
 - No-Action Alternative, North Option: Concur – adverse effect
 - No-Action Alternative, South Option: The narrative states that the viaduct would be widened and be approximately 10 feet closer to this property. However, without knowing the current distance of the highway from this property, it is difficult to determine if moving 10 feet closer is an adverse effect. Please provide more

information on the current distance. In our opinion, the addition of noise walls may be an adverse effect. Modern visual intrusions have occurred outside the historic boundary for this resource, but the addition of noise walls next to the property may diminish the historic setting of this property, whether or not the current historic setting is described as poor. How close will the noise walls be to the historic boundary of this property? How tall will the walls be?

- Revised Viaduct Alternative, North Option: Concur – adverse effect.
 - Revised Viaduct Alternative, South Option: Concur – adverse effect.
 - Partial Cover Lowered Alternative: Concur – adverse effect.
- 5DV.9780
 - No-Action Alternative, North Option: Concur – adverse effect.
 - No-Action Alternative, South Option: The narrative states that the viaduct would be widened and be approximately 10 feet closer to this property. However, without knowing the current distance of the highway from this property, it is difficult to determine if moving 10 feet closer is an adverse effect. Please provide more information on the current distance. In our opinion, the addition of noise walls may be an adverse effect. Modern visual intrusions have occurred outside the historic boundary for this resource, but the addition of noise walls next to the property may diminish the historic setting of this property, whether or not the current historic setting is described as poor. How close will the noise walls be to the historic boundary of this property? How tall will the walls be?
 - Revised Viaduct Alternative, North Option: Concur – adverse effect.
 - Revised Viaduct Alternative, South Option: Concur – adverse effect.
 - Partial Cover Lowered Alternative: Concur – adverse effect.
- 5DV.9795
 - No-Action Alternative, North Option: Our office does not concur with the recommended finding of no adverse effect. The narrative states that the viaduct is currently 140 feet from this property. The proposed viaduct will be 75 to 100 feet closer after construction. The proposed argument is that the existing viaduct is in the visual setting right now and the new viaduct will take its place. However, the proposed viaduct will be 65- to 40-feet closer to this property than the current 140 feet. In our opinion, the movement of the viaduct closer to this resource and introduction of noise walls diminishes the integrity of this resource and is an adverse effect.
 - No-Action Alternative, South Option: See above. The footage is different, but our comment methodology the same.
 - Revised Viaduct Alternative, North Option: See above.
 - Revised Viaduct Alternative, South Option: See above.
 - Partial Cover Lowered Alternative: See above.
- 5DV.9805
 - No-Action Alternative, North Option: The narrative states that the viaduct widening would “slightly” move closer to this resource. The narrative does not state how far the current viaduct is from this resource. We are not able to fully evaluate the movement of the new viaduct without understanding how close the current viaduct

is to the resource. Please provide more information on the current distance of the viaduct from this property. Also, please provide information on how close the proposed noise walls will be to this resource. Please note that the lessening of the integrity of the historic setting does not negate the introduction of new visual or auditory elements from this project.

- No Action Alternative, South Option: See above.
 - Revised Viaduct Alternative, North Option: The narrative states that the highway will remain in its current location, but be widened to the north by approximately 275 feet. We are not able to fully evaluate the movement of the new viaduct towards the resource without understanding how close the current viaduct is to the resource. Please provide more information on the current distance of the highway to this resource. This distance is critical in understanding how close the 12- to 14- foot noise walls will be to the historic setting within this property. Modern visual intrusion have occurred outside the historic boundary for this resource, but the additional of a 12- to 14-foot noise wall next to the property may diminish the historic setting of this property, whether or not the current historic setting is described as poor.
 - Revised Viaduct Alternative, South Option: see above.
 - Partial Cover Lowered Alternative: The narrative states that the roadway will move 275 feet closer to this resource. What is the current footage distance from the highway to the resource? How close will the highway be to the property's historic boundary?
- 5DV.9823
 - No-Action Alternative, North Option. According to the narrative, after the widening of the viaduct, the viaduct would be approximately 350 feet away from the property. The narrative does not state where the noise walls will be installed. Will the noise walls also be 350 feet away, or closer to this resource? If closer, what distance?
 - No-Action Alternative, South Option: see above.
 - Revised Viaduct Alternative, North Option: The highway is described as moving 250 feet closer to this property, but the current distance is not known. It is difficult to evaluate whether a movement of 250 feet closer to this resource is an adverse effect without knowing the existing distance. Please provide that information. Also, please provide information on how far the proposed noise walls will be from the historic property boundary. See similar comments above in this regard.
 - Revised Viaduct Alternative, South Option. See above.
 - Partial Cover Lowered Alternative: The narrative states that the roadway will move 250 feet closer to this resource. What is the current footage distance from the highway to the resource? How close will the highway be to the property's historic boundary?
- 5DV.9828, 5DV.10034, 5DV.10040, 5DV.10085, 5DV.10135 - see comments for 5DV.9823.

- 5DV.1172
 - No-Action Alternative, North Option: The narrative states that the property is located near the rebuilding of the viaduct. The narrative does not state the current distance between the viaduct and this property. Also, will the rebuilding of the viaduct make it taller or closer to this property? How close to the historic property's boundary will the noise walls be constructed? How tall are the noise walls?
 - No Action Alternative, South Option: see above.
 - Revised Viaduct Alternative, North Option: As stated in previous comments, the proposed viaduct will be 300 feet closer, but the current distance is not provided. Please provide more information on the current and proposed distance of the proposed viaduct and noise walls to this property.
 - Revised Viaduct Alternative, South Option: see above.
 - Partial Cover Lowered Alternative: see above.

- 5DV.5677 -see comments for 5DV.1172

- 5DV.7130
 - No-Action Alternative, North Option: Concur – adverse effect.
 - No-Action Alternative, South Option: The narrative states that the proposed viaduct would be located less than 50 feet closer to the southern edge of the property. It is hard to determine what less than 50 feet means. The proposed viaduct could be 1 to 49 feet closer. How tall are the noise walls and how close will they be from the historic property's boundary?
 - Revised Viaduct Alternative, North Option: Concur – adverse effect.
 - Revised Viaduct Alternative, South Option: Concur – no adverse effect.
 - Partial Cover Lowered Alternative: Concur – adverse effect.

- 5DV.9245
 - No-Action Alternative, North Option: Concur – no adverse effect.
 - No-Action Alternative, South Option: Concur – adverse effect.
 - Revised Viaduct Alternative, North Option: The narrative does not state how close the noise walls will be installed. Please provide this information. Please note the above comments in regards to the introduction of new visual elements not being negated by existing visual elements.
 - Revised Viaduct Alternative, South Option: Concur – adverse effect.
 - Partial Cover Lowered Alternative: The narrative does not state how close the highway will be to this resource. What is the distance from the highway to the resource? Also, note the comments above in regards to the setting outside the historic property's boundary.

- 5DV.9655
 - No-Action Alternative, North Option: Concur – adverse effect.
 - No-Action Alternative, North and South Options: Please see the previous comments on the above resources in regards to current distance of the improvements to the historic property's boundary.
 - Revised Viaduct Alternative, North Option: Concur – adverse effect

- Revised Viaduct Alternative, South Option: Please see above comments in regards to current distance and proposed distance, as well as information on noise walls.
- Partial Cover Lowered Alternative: Concur – adverse effect.
- 5DV.9667
 - No Action Alternative North and South Options: Please see above comments in regards to current distance and proposed distance, as well as information on noise walls.
 - Revised Viaduct Alternative North and South Options: Please see above comments in regards to current distance and proposed distance, as well as information on noise walls.
 - Partial Covered Lower Alternative: Concur – adverse effects
- 5DV.9705
 - No-Action Alternative, North and South Options: Please see above comments in regards to current distance and proposed distance, as well as information on noise walls.
 - Revised Viaduct Alternative, North Option: Please see above comments in regards to current distance and proposed distance, as well as information on noise walls.
 - Revised Viaduct Alternative, South Option: Concur – no adverse effect.
 - Partial Cover Lowered Alternative: Please see above comments in regards to current distance and proposed distance, as well as information on noise walls.
- 5DV.9706, 5DV.9742, 5DV.9745, 5DV.9748, 5DV.9751, 5DV.9753, 5DV.9761, 5DV.9762,
- 5DV.5623/5DV.9765, 5DV.9787, 5DV.9994, 5DV.9996, 5DV.10058, 5DV.10124, 5DV.9714, 5DV.9966, 5DV.9968, 5DV.10003, 5DV.10013, 5DV.10014, 5DV.10065, 5DV.9227, 5DV.9988, 5DV.9989, 5DV.10047,
 - No-Action Alternative, North and South Option: Please see above comments in regards to current distance and proposed distance, as well as information on noise walls.
 - Revised Viaduct Alternative, North and South Options: Please see above comments in regards to current distance and proposed distance, as well as information on noise walls.
 - Partial Cover Lowered Alternative: Please see above comments in regards to current distance and proposed distance, as well as information on noise walls.
- 5DV.9746
 - No-Action Alternative, North Option: Concur – adverse effect
 - No-Action Alternative, South Option: Please see above comments in regards to current distance and proposed distance, as well as information on noise walls.
 - Revised Viaduct Alternative, North Option: Concur – adverse effect
 - Revised Viaduct Alternative, South Option: Please see above comments in regards to current distance and proposed distance, as well as information on noise walls.
 - Partial Cover lowered Alternative: Concur – adverse effect.

- 5DV.9801
 - No-Action Alternative, North Option: Concur – adverse effect.
 - No-Action Alternative, South Option: Please see above comments in regards to current distance and proposed distance, as well as information on noise walls.
 - Revised Viaduct Alternative, North Option: Concur – adverse effect.
 - Revised Viaduct Alternative, South Option: Concur – no adverse effect.
 - Partial Cover Lowered Alternative: Concur – adverse effect.
- 5DV.9678
 - No-Action Alternative, North Option: See above information on noise walls.
 - No-Action Alternative, South Option: Please see above comments in regards to current distance and proposed distance, as well as information on noise walls.
 - Revised Viaduct Alternative, North Option: Please see above comments in regards to current distance and proposed distance, as well as information on noise walls.
 - Revised Viaduct Alternative, South Option: Concur – adverse effect.
 - Partial Cover lowered Alternative: Please see above comments in regards to current distance and proposed distance, as well as information on noise walls.
- 5DV.9679
 - No-Action Alternative, North and South Options: Please see above comments in regards to current distance and proposed distance, as well as information on noise walls.
 - Revised Viaduct Alternative, North Option: Please see above comments in regards to current distance and proposed distance, as well as information on noise walls.
 - Revised Viaduct Alternative, South Option: Concur –adverse effect.
 - Partial Cover Lowered Alternative: Please see above comments in regards to current distance and proposed distance, as well as information on noise walls.
- 5DV.10126
 - No-Action Alternative, North Option: Concur – adverse effect.
 - No-Action Alternative, South Option: The narrative states that the historic district will be affected by indirect effects, but does not specify those effects.
 - Revised Viaduct Alternative, North Option: Concur : adverse effect.
 - Revised Viaduct Alternative, South Option: The narrative states ROW would be acquired from two contributing buildings within the historic district but that there would be no permanent physical changes to the acquired parcels. What is the exact scope of work within the historic district boundary?
 - Partial Cover Lowered Alternative: Concur – adverse effect.

We concur with all recommended findings of effect for each alternative for the resources listed below:

- 5DV.125
- 5DV.11283
- 5DV.4725
- 5AM.465

- 5DV.6247
- 5DV.6248
- 5DV.1298
- Safeway Distribution Center
- 5AM.2083
- 5DV.9231
- 5DV.7048
- 5AM.261

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings. Please note that our compliance letter does not end the 30-day review period provided to other consulting parties. If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Manager, at (303) 866-4678.

Sincerely,

A handwritten signature in dark ink, appearing to read "Edward C. Nichols", with a stylized flourish at the end.

Edward C. Nichols
State Historic Preservation Officer



September 24, 2014

Mr. Charles Attardo
Region 1 Planning and Environmental Manager
Colorado Department of Transportation
2000 South Holly Street
Denver, CO 80222

Re: Determinations of Effect, I-70 East SDEIS Comments

Dear Mr. Attardo:

Thank you for the opportunity to provide comments on the Determinations of Effect for the I-70 East SDEIS. Historic Denver, Inc. is included as a consulting party based on our concern for the effect that the alternatives under consideration could have on historic properties in the corridor. The original construction of I-70 was very damaging to a number of historic neighborhoods in its current path and has since separated them from the rest of the City of Denver to the south. We remain hopeful that this project can help repair some of that damage and not inflict further harm on the historic communities.

Historic Denver, Inc. was founded in 1970 by citizens who were increasingly alarmed at the loss of the city's historic fabric due to urban renewal and insensitive development. Historic Denver has continued to develop programs to help protect Denver's most valuable cultural and architectural landmarks by being one of the leading urban preservation organizations in the country.

While our initial recommendation was to recommend for alternatives that would re-route the I-70 corridor further north away from the historic neighborhoods located in the current I-70 path, we understand the alternatives listed in the current document are between: No Action (North, South), Revised Viaduct (North, South), and Partial Cover Lowered. In this scenario, we favor removing the existing viaduct and lowering the highway beneath the street corridor to allow for more opportunities for connectivity, removing a major visual barrier, and reducing noise. We also understand that this last option has been labeled the preferred alternative.

Of course, there are still effects on historic properties under all these Alternatives. We want to make particular note that while effects on the National Western Complex Historic District (particularly to the contributing properties of the Denver Coliseum and the Stadium Arena) are listed as none because of their location west of the westernmost construction footprint at Brighton Blvd. for this project, we want to ensure that planning does not subsequently envelop this district. We also caution against the determination of no historic properties affected to the Riverside Cemetery because all work to be done will be outside of its current boundary. Because the drainage work outlined for this project will be done in close proximity to the southern border of the cemetery, there is possibility of contact with historic resources associated with the cemetery in what might have been its larger historic footprint. We expect

that these and any other effects would be resolved during a supplemental Section 106 process if they arise.

In general, we do agree with the determinations which have been made by the Colorado Department of Transportation in the August 2014 document on the Section 106 Determination of Eligibility and Effects. We also trust and concur with the comments and questions made by the Colorado SHPO in regards to these determinations and can defer to their specific comments on the eligible properties listed in the document. One comment of clarification that we would like to reiterate from the SHPO is about the specifics of distance for each property from I-70 as a result of each alternative and how that distance can help determine if an adverse effect will be assigned or not to historically eligible properties in the APE.

We appreciate your consideration of our comments and look forward to continuing our role as a Section 106 consulting party as the process moves ahead.

Sincerely,

A handwritten signature in blue ink, appearing to read "John P. Olson". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Olson".

John P. Olson
Director of Preservation Programs

cc: Amy Pallante, CO SHPO



October 2, 2014

Colorado Department of Transportation
Region I
Planning and Environmental
2000 South Holy Street
Denver, Colorado 80222

Re: Request for Additional Consulting Party Status in I-70 East Section 106
Consultation

To Whom It May Concern:

This firm represents Fairmount Cemetery Company (the "Company"), owner and operator of Riverside Cemetery (the "Cemetery"). In a draft of the *I-70 East Environmental Impact Statement* released in August 2014, the Cemetery was identified as a historic property falling within the Area of Potential Effect ("APE") for the FHWA and CDOT development on I-70 East between I-25 and Tower Road. (CDOT, 2014) ("Supplemental EIS"). Fairmount Cemetery Company is a consulting party under the section 106 process.

In your letter to Fairmount Heritage Foundation dated July 29, 2014, a copy of which we have reviewed, you requested concurrence with the determinations of the effects outlined in the EIS. In the EIS, CDOT determined that the three alternatives under consideration for the E I-70 corridor—the no action alternative, the revised viaduct alternative and the partial lower covered alternative—would result in no historic properties affected. Although we appreciate the review and analysis conducted by CDOT, the Company is not entirely convinced that any of the alternatives would result in no impact.

Generally, the Company shares the concerns of other consulting parties about the potential noise and visual impact of any of the alternatives, although we recognize that the distance from the actual highway improvements attenuates some of this impact. However, of particular and immediate concern to the Company is the location, construction and maintenance of a drainage "outfall" proposed to be located immediately adjacent to the Cemetery's southwestern boundary. Although CDOT indicates that the outfall will be constructed entirely outside the boundaries of the historic district, we are concerned about potential indirect adverse effects (as well as potential direct effects during construction).

For example, the drainage outfall may further significantly impact the view of the cemetery toward Denver, particularly at the southernmost edge of the Cemetery. Although we understand that drainage pipes will be concealed, where the outflows daylight we understand that CDOT will construct significant and large concreted areas and a large excavated area. The Company will need to plan for the potential impact of the altered

October 2, 2014

Page 2

views toward Denver and manage the impact on the historic context. Further, the Company is concerned about the hydrological impacts of the drainage on the Cemetery. The possible effects of the storm water outflow might result in an impact on vegetation in the Cemetery. Although water might be expected to be welcome in the parched Cemetery, the Cemetery needs to plan for the impact and effects of water, for instance the effect on the sandstone monuments. Finally, during construction, the Company is concerned about direct and indirect effects of earthmoving, excavation, construction and related issues, including vehicular traffic, subsidence, vibration, noise and access, and their effect on the historic resources in the Cemetery.

As mentioned in your July 29, 2014 letter, additional engineering and planning may result in an assessment that impacts on the Cemetery which are different than set forth in the Supplemental EIS. Of course, as those impacts change, we hope to be engaged.

From the Company's perspective, the impacts of the CDOT's I-70 East activities cannot be considered in isolation from the impacts of other activities. As you know, the APE includes areas substantially impacted by additional growth and development reflected in the City of Denver's Elyria-Swansea Neighborhood Plan, RTD's North Metro Rail Line construction, and the National Western Stock Show expansion and improvement. All of that development impacts the Cemetery, and, the Company needs to plan for the impacts of all that development on the historic resources in the Cemetery.

On a related point, in a letter dated January 21, 2014, from Patricia Carmody to Kirk Webb, NEPA Program Manager, Colorado Dept. of Transportation, Ms. Carmody responded to Mr. Webb's request for a list of projects at the Cemetery that satisfy CDOT's criteria of historic preservation and service to the community. These projects are still largely the same as described in January and may be considered as CDOT explores ways to resolve or mitigate adverse effects within the APE. These projects include:

- Master Plan/Landscape Plan
- Seasonal Horticulturist
- Scanning all historic documents pertaining to Riverside 1876 forward,
- Restoration of the Riverside Office/Chapel/Crematorium according to the SHF assessment.
- Restoration of the "Old Stone House"
- Planning, development, and implementation for an educational wetlands/native plant area with trails (low impact, fully accessible), signage, outdoor classroom, etc.
- Irrigation Infrastructure.

October 2, 2014

Page 3

We appreciate the opportunity to advise you of our concerns and we look forward to discussing these issues with you further. Please do not hesitate to contact me with any questions.

Sincerely,

Moye White LLP

A handwritten signature in black ink, appearing to read "Dom Sekich". The signature is fluid and cursive, with a large initial "D" and a stylized "S".

Dominick Sekich



COLORADO

Department of Transportation

Region 1

Planning & Environmental
2000 South Holly Street,
Denver, CO 80222-4818

March 4, 2015

Mr. Edward C. Nichols
State Historic Preservation Officer
Colorado Historical Society
1200 Broadway
Denver, CO 80203

RE: Determinations of Effect: Response to Comments; Interstate 70 (I-70) East Supplemental Draft Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS # 41831)

Dear Mr. Nichols:

The Colorado Department of Transportation (CDOT), on behalf of the Federal Highway Administration (FHWA), consulted with your office on Section 106 [36 CFR 800] determinations of effect for the above-referenced project via a letter dated July 29, 2014, followed by a consulting party meeting held on September 18, 2014. Your office issued a request for additional information based on those determinations by a letter dated September 23, 2014. Comments contained in that letter requested greater specificity and depth of analysis in determining effects, with particular emphasis on the assessment of indirect effects.

The revised effects report (enclosed) replaces subjective language included in the initial submission with greater specificity and detail to support determinations of effect. Details include quantifying the height and location of noise walls, current and projected viaduct height (No-Build and Revised Viaduct Alternatives), current and projected distance of historic resources from infrastructure improvements, and details regarding the size and location of right-of-way and easement acquisitions within historic boundaries. No universal baseline was established for the distance at which noise and visual impacts are experienced relative to the proposed infrastructure improvements; rather, sight line and audible impacts were evaluated on a resource-by-resource and alternative-by-alternative basis, taking into account not only distance, but setting elements that may shelter or minimize the visual intrusion or audible impact of a setting change. These changes were evaluated for their impact on the significant features of each resource to determine if the effect would or would not diminish the features qualifying the resource for inclusion in the National Register of Historic Places (NRHP), per 36 CFR 800.5.

The effects report evaluates resources determined *eligible* to the NRHP through consultation with your office in 2013. The following table reflects resources determined *not eligible* through that consultation. These resources result in an effect determination of *no historic properties affected*.

<i>Site Number</i>	<i>Address</i>	<i>Resource Name</i>	<i>Official Eligibility Determination 5.28.13</i>	<i>Determination of Effect</i>
5DV7062	N/A	UPRR Bridge over 46th Ave. E-17-Z	Not Eligible	No Historic Properties Affected
5DV9468	4502 Wynkoop St.	Reed Mill & Lumber Co.	Not Eligible	No Historic Properties Affected
5DV9821	4645 Franklin St.	The Security Realty Company Property	Not Eligible	No Historic Properties Affected
5DV10086	4401 Race St.	WG Pigg & Son Warehouse	Not Eligible	No Historic Properties Affected
5DV11320	4630 Washington St.	Den-Col	Not Eligible	No Historic Properties Affected
5DV11321	4530 Clayton St.	N/A	Not Eligible	No Historic Properties Affected
5DV11322	4532 Clayton St.	N/A	Not Eligible	No Historic Properties Affected

We request your concurrence with the determinations of effect contained in the table above and the revised determinations of effect contained in the enclosed effects report. If you have questions or require additional information to complete your review, please contact Region 1 Senior Historian Ashley L. Bushey at (303) 757-9397 or ashley.bushey@state.co.us.

Sincerely,



for Charles Attardo
Region 1 Planning and Environmental Manager

Enclosures:
March 2015 Revised I-70 East Section 106 Effects Report

cc:
Vanessa Henderson, CDOT Environmental Programs Branch
Carrie Wallis, Atkins
Scott Epstein, Pinyon Environmental, Inc.
Jennifer Wahlers, Pinyon Environmental, Inc.

STATE OF
COLORADO

Bushey - CDOT, Ashley <ashley.bushey@state.co.us>

Section 106 Response to Comments; I-70 supplemental draft EIS re-evaluation (CHS #41831)

1 message

Gause, George - Community Planning and Development

<George.Gause@denvergov.org>

Fri, Mar 20, 2015 at 11:40

AM

To: "Bushey - CDOT, Ashley" <ashley.bushey@state.co.us>

Ashley,

Denver landmark Preservation has reviewed the "Response to Comments; I-70 supplemental draft EIS re-evaluation (CHS #41831)"

We have no further comments. Let me know if you have any questions. Thanks

George Gause | Senior City Planner-Landmark Preservation

Community Planning & Development | Planning Services



City and County of Denver

720.865.2929 | george.gause@denvergov.orgDenverGov.org/CPD | @DenverCPD | Take our Survey

The Landmark Preservation Commission (LPC) filing deadline increases to four (4) weeks prior to each meeting in 2015.

Comments and correspondence concerning proposals or applications are based on information received by the requestor and a comparison of that information and the Secretary of the Interior's Standards, Design Guidelines for Landmark Structures and Districts, Landmark Preservation Ordinance; Chapter 30 Revised Municipal Code and other applicable adopted guidelines. Staff is providing these comments for informal informational purposes only. These comments do not replace the formal design review process. More specific answers to a proposal can only be given after full review of the required documentation is accomplished. Landmark staff is not responsible for building or zoning review. Please submit plans to those agencies for comment.

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COLORADO

Department of Transportation

Region 1

Planning & Environmental
2000 South Holly Street,
Denver, CO 80222-4818

March 26, 2015

Mr. Edward C. Nichols
State Historic Preservation Officer
History Colorado
1200 Broadway
Denver, CO 80203

SUBJECT: Early Acquisition of Colonial Manor Motel, Interstate 70 (I-70) East Supplemental Draft Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS # 41831)

Dear Mr. Nichols:

The Colorado Department of Transportation (CDOT) and Federal Highway Administration (FHWA) have initiated early right-of-way acquisition to support construction of improvements to I-70 East as outlined in the Supplemental Draft Environmental Impact Statement (SDEIS) released on August 29, 2014. Early acquisition of Section 4(f) historic properties is not typical, but is allowable under Section 1302 of the Moving Ahead for Progress in the 21st Century Act (MAP-21; 2012). Under this Section, advance acquisition of real property is permissible when the acquisition is for transportation purposes, will not cause any significant adverse environmental impact, will not limit or influence the choice of reasonable alternatives for the project, and does not prevent the lead agency from making an impartial decision as to whether to accept an alternative under consideration in the environmental review process.

Application of MAP-21 Section 1302

The SDEIS contains three (3) project alternatives, two (2) of which contain two (2) separate modifications or options (north or south options), for a total of five (5) possible Section 106 effects determinations to the resource. Of the five (5) effects determinations evaluated under Section 106 for the Colonial Motel [I-70 East Section 106 Determinations of Effect Report, March 2015], four (4) indicate acquisition in whole or in part of the Colonial Motel property to accommodate construction, resulting in a determination of *adverse effect* under Section 106. Demolition of the building is indicated under three (3) of these options, including the preliminarily identified preferred alternative. Demolition is **not** a component of the early acquisition action, which is the subject of this correspondence. Because acquisition of this property is indicated under all project alternatives, with the exception of the Revised Viaduct Alternative, South Option, early acquisition of the property will not limit the choice or selection of alternatives under consideration for this project.

As described in the *effects* section of this correspondence, CDOT will be required to maintain the resource while under its ownership until a preferred alternative is selected in the Record of Decision, funding identified, and project phase prepared for construction. This maintenance/stabilization of the resource in its existing condition will preserve potential for future use in the event an avoidance alternative is identified. Therefore, the early acquisition action will not create a significant adverse environmental impact.

Eligibility Determination

Colonial Manor Motel (5DV7130): The Colonial Manor Motel was constructed in 1946, representing a transition between the *tourist court* or *motor court* of the 1930s and the *motel* of the post-war era. The

Colonial exhibits thematic architecture typical of early tourist courts, but is constructed in the connected architecture common to the post-war motel. The typical post-war motel was a single building of connected rooms constructed in a U-shape or crescent shape, though linear arrangements were not uncommon where space was limited. The construction of limited-access highways and interstates drew travelers to these high-speed routes, and drew business away from many tourist courts and motels located in bypassed communities or beyond sight distance from these highways. Construction of I-70 along the route of the existing 46th Avenue continued to shuttle travelers past the Colonial Motel; however the raised viaduct elevated the sight line of most motorists above the building. To attract business and accommodate the barrier of limited access, the Colonial constructed a tall sign visible from the interstate directing motorists to "Take Brighton Exit."

The building was determined *eligible* for inclusion on the National Register of Historic Places (NRHP) in 2007 and 2013.

Determination of Effect

Colonial Manor Motel (5DV7130): While under the ownership of CDOT, the Colonial Motel will be preserved/stabilized in its existing condition following guidelines established by the Technical Preservation Services of the National Park Service Preservation Brief 31: Mothballing Historic Buildings, with emphasis on the *Stabilization* and *Mothballing* chapters.

Access to the building, including interior spaces and systems, is essential to understanding and analysis of the stabilization/mothballing needs of the building. After acquisition of the property, your office will be provided with before and after photographs of the stabilization effort and a stabilization report.

Stabilization of the building will maintain the existing condition, preserving the opportunity to reuse the building in the event that the I-70 East project identifies an avoidance alternative to use of the property. The intended use of the property under redevelopment of the I-70 East corridor has been consulted on with your office as a separate action. The acquisition and stabilization proposed by this consultation will not alter or diminish the characteristics of the property qualifying it for inclusion in the NRHP. The action proposed under this consultation will result in a finding of *no adverse effect*.

We request your concurrence with the determination of eligibility and effect outlined above. In your capacity as the official with jurisdiction over this Section 4(f) resource, we request acknowledgement of the intention to proceed with early acquisition and that such action does not constitute a significant adverse environmental impact with regard to the resource. Thank you in advance for your prompt attention to this matter. If you require additional information, please contact Region 1 Historian Ashley L. Bushey at (303) 757-9397 or ashley.bushey@state.co.us.

Sincerely,



fo Charles Attardo
Region 1 Planning and Environmental Manager

Attachments:
TPS Preservation Brief 31: Mothballing Historic
Buildings

Cc:
Vanessa Henderson, CDOT Project Manager
Carrie Wallis, Atkins Project Manager

April 2, 2015



Charles Attardo
Region 1 Planning and Environmental Manager
Colorado Department of Transportation, Region 1
2000 South Holly Street
Denver, CO 80222

Re: Early Acquisition of Colonial Manor Motel, Interstate 70 East Supplemental Draft Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS #41831)

Dear Mr. Attardo:

Thank you for your correspondence dated March 26, 2015 and received on March 27, 2015 by our office regarding the consultation of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106).

After review of the submitted information, we have determined that the early acquisition for resource 5DV.7130 is part of the overall I-70 East Supplemental Draft Environmental Impact Statement, which is currently in our office for review, and not a separate undertaking. Section 106 states that Federal agencies must take into account the effects of their projects on historic properties and that adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative. Based on the I-70 East Environmental Impact Statement Section 106 alternatives, resource 5DV.7130 would be acquired in order to implement the preliminary preferred alternative as well as other alternatives, regardless of the timing of the acquisition.

Further, Section 36 CFR 800.1(c) states that a Federal agency must complete the Section 106 prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license. In our opinion, the separating the Section 106 consultation on the early acquisition for resource 5DV.7130 from the overall Section 106 consultation for the I-70 East Environmental Impact Statement would be segmenting or parsing the overall Section 106 consultation for the I-70 East Supplemental Draft Environmental Impact Statement. Our office is currently reviewing the I-70 Environmental Impact Statement Section 106 Determination of Effects report (dated March 2015), and will be providing CDOT our comments by April 27, 2015.

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings. Please note that our compliance letter does not end the 30-day review period provided to other consulting parties. If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Manager, at (303) 866-4678.

Sincerely,



Edward C. Nichols
State Historic Preservation Officer

cc: Christopher Wilson/Advisory Council on Historic Preservation



STATE OF
COLORADO

Bushey - CDOT, Ashley <ashley.bushey@state.co.us>

Colonial Manor Motel, I-70 EIS re-eval project - No Comment

1 message

Roxanne Eflin <reflin@coloradopreservation.org>

Mon, Apr 6, 2015 at 6:49 PM

To: "Bushey - CDOT, Ashley" <ashley.bushey@state.co.us>

Ashley: I have reviewed your letter of March 26th regarding the above mentioned NR-eligible property (5DV7130) and wanted you to know that we are in concurrence with CDOT's finding of no adverse effect; therefore, please consider this our reply of No Comment.

Thanks, and keep up the great work.

SAVE THE DATE! May 6th, Dana Crawford and State Honor Awards Celebration.

Roxanne Eflin

Executive Director

[Colorado Preservation, Inc.](#) 30+ years and going strong!

1420 Ogden St., Suite 104

Denver, CO 80218

[303.893.4260](tel:303.893.4260), x222 - office

[207.229.9465](tel:207.229.9465) - mobile

Visit us at www.coloradopreservation.org



Colorado Preservation, Inc.
BUILDING A FUTURE *with* HISTORIC PLACES



April 27, 2015

Charles Attardo
Region 1 Planning and Environmental Manager
Colorado Department of Transportation, Region 1
2000 South Holly Street
Denver, CO 80222

Re: Determinations of Effect: Response to Comments: Interstate 70 (I-70) East Supplemental Draft Environmental Impact Statement Re-Evaluation, Denver County and Adams County (CHS #41831)

Dear Mr. Attardo:

Thank you for your correspondence dated March 4, 2015 and received by our office on March 13, 2015 regarding the consultation of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106).

After review of the provided additional information, we do not object to the proposed Area of Potential Effects (APE) for the proposed project. We concur with the recommendation of effects for each of the alternatives presented in the March 2015 Section 106 Determinations of Eligibility and Effects. However, we do have one comment in regards to the resource listed below.

- 5DV.9679
 - No Action Alternative – South Option. In our opinion, the proposed viaduct being 25 feet closer diminishes the historic setting of this resource. Currently, there is a vacant lot with trees between this resource and the existing viaduct. In our opinion, the vacant lot with trees serves as a visual buffer from the existing viaduct. The proposed viaduct will be moving 58 feet closer and be 2 feet taller. The buffer of the vacant lot with trees will be lost and the proposed viaduct will be adjacent to this resource. In our opinion, the loss of the current visual buffer and movement of the proposed viaduct 58 feet closer to this resource will diminish the historic setting, and the resource's relationship to that historic surrounding. Staff recommends a finding of *adverse effect* [36 CFR 800.5(a)(1)] under Section 106 for this resource.

We concur with the recommended findings of eligible and effects presented in the table on page 2 of the report letter (dated March 4, 2015).

If unidentified archaeological resources are discovered during construction, work must be interrupted until the resources have been evaluated in terms of the National Register criteria, 36 CRF 60.4, in consultation with this office.

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings.

Please note that our compliance letter does not end the 30-day review period provided to other consulting parties. If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Manager, at (303) 866-4678.

Sincerely,

A handwritten signature in blue ink, appearing to read "E. C. Nichols", written over a horizontal line.

Edward C. Nichols
State Historic Preservation Officer

A handwritten mark in blue ink, possibly a stylized "L" or a checkmark, located to the left of the typed name.



COLORADO

Department of Transportation

Region 1

Planning & Environmental
2000 South Holly Street,
Denver, CO 80222-4818

April 29, 2015

Mr. Edward C. Nichols
State Historic Preservation Officer
History Colorado
1200 Broadway
Denver, CO 80203

SUBJECT: Effect Determination, Interstate 70 (I-70) East Corridor Draft Environmental Impact Statement, Denver County and Adams County (CHS #41831)

Dear Mr. Nichols:

The Colorado Department of Transportation (CDOT) received the comments from your office dated April 27, 2015 in regard to the revised I-70 East Corridor Section 106 Effects Determinations. In that correspondence, your office commented that the effect determination for the resource 4541 Clayton LLC Residence (5DV9679) under the No Action Alternative, South Option should be changed. The original effect determination concluded that the No-Action Alternative, South Option would result in *no adverse effect* to the resource. CDOT agrees with your office's comment that the effects to 5DV9679 will in fact result in an *adverse effect* to the resource. The previous effects determination for the No-Action Alternative, South Option read:

4541 Clayton LLC Residence, 4541 Clayton Street (5DV9679)

- **No-Action Alternative**

- **No-Action Alternative, South Option:** Currently, the residence at 4541 Clayton Street is situated 83 feet from the existing viaduct. The replacement viaduct would be widened to the south and would be approximately 58 feet closer to this property. There are no direct effects to this resource, since this property would not be subject to temporary or permanent easements or ROW acquisition from the No-Action Alternative, South Option. It would experience indirect effects in the form of visual and historic setting changes from the reconstruction of the viaduct. The existing viaduct is 24 feet tall at this location, whereas the proposed viaduct would be 26 feet tall. The proposed 12-foot-tall noise walls, which would be placed 25 feet from the resource, do represent a new modern element in the setting of the resource. The widening of the viaduct proposed under this alternative also represents a greater visual presence in the setting of the resource.

Though the change in noise levels, construction of noise walls, and the wider and taller viaduct proposed under this alternative represent a larger visual presence and a larger visual intrusion, their construction would not diminish the ability of the resource to convey its architectural significance, since these setting elements would not change the existing features of the resource that qualify it for inclusion on the NRHP. CDOT concluded that the No-Action Alternative, South Option would result in a determination of **No Adverse Effect**.

The effects report will be updated with text shown below:

4541 Clayton LLC Residence, 4541 Clayton Street (5DV9679)

- **No-Action Alternative**

- **No-Action Alternative, South Option:** Currently, the residence at 4541 Clayton Street is situated 83 feet from the existing viaduct. The replacement viaduct would be widened to the south and would be approximately 58 feet closer to this property. There are no direct effects to this resource, since this property would not be subject to temporary or permanent easements or right-of-way (ROW) acquisition for the No-Action Alternative, South Option. It would experience indirect effects in the form of visual and historic setting changes from the reconstruction of the viaduct. The existing viaduct is 24 feet tall at this location, whereas the proposed viaduct would be 26 feet tall. The proposed 12-foot-tall noise walls, which would be placed 25 feet from the resource, do represent a new modern element in the setting of the resource. The widening of the viaduct proposed under this alternative also represents a greater visual presence in the setting of the resource.

The proposed viaduct being 25 feet closer diminishes the historic setting of this resource. Currently, there is a vacant lot with trees between this resource and the existing viaduct which serve as a visual buffer from the existing viaduct. Under this alternative, the buffer of the vacant lot with trees will be lost and the proposed viaduct will be adjacent to this resource. This loss of the visual buffer and movement of the proposed viaduct 58 feet closer to this resource will diminish integrity of historic setting, and the relationship of the resource to that historic surrounding. Because the integrity of setting will be diminished to a degree that alters the character of the property's setting that contributes to its historic significance, CDOT has concluded that the project will result in a finding of *adverse effect* to this resource.

This information has been sent concurrently to the project Consulting Parties: City and County of Denver Landmark Preservation Commission, Colorado Preservation, Inc., Historic Denver, Inc., and Fairmount Heritage Foundation, and the Fairmount Cemetery Company. Any response from them will be forwarded to you. We request your concurrence with the above revised Determination of Effect. If you require additional information, please contact CDOT Region 1 Senior Staff Historian Ashley L. Bushey at (303) 757-9397 or ashley.bushey@state.co.us.

Sincerely,



Charles Attardo

Region 1 Planning and Environmental Manager

CC:

Vanessa Henderson, I 70 East CDOT NEPA Manager
Carrie Wallis, I 70 East SDEIS Project Manager (Atkins)
Jennifer Wahlers, Historian (Pinyon Environmental, Inc.)

STATE OF
COLORADO

Bushey - CDOT, Ashley <ashley.bushey@state.co.us>

RE: I70E Comment Resolution: Revised Effect Determination

1 message

Gause, George - Community Planning and Development

<George.Gause@denvergov.org>

To: "Bushey - CDOT, Ashley" <ashley.bushey@state.co.us>

Fri, May 1, 2015 at 7:44
AM

Ashley,

Denver Landmark is in agreement with the change. Thanks

George Gause | Senior City Planner-Landmark Preservation

Community Planning & Development | Planning Services



City and County of Denver

720.865.2929 | george.gause@denvergov.orgDenverGov.org/CPD | [@DenverCPD](#) | [Take our Survey](#)

The Landmark Preservation Commission (LPC) filing deadline increases to four (4) weeks prior to each meeting in 2015.

Comments and correspondence concerning proposals or applications are based on information received by the requestor and a comparison of that information and the Secretary of the Interior's Standards, Design Guidelines for Landmark Structures and Districts, Landmark Preservation Ordinance; Chapter 30 Revised Municipal Code and other applicable adopted guidelines. Staff is providing these comments for informal informational purposes only. These comments do not replace the formal design review process. More specific answers to a proposal can only be given after full review of the required documentation is accomplished. Landmark staff is not responsible for building or zoning review. Please submit plans to those agencies for comment.

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From: Bushey - CDOT, Ashley [mailto:ashley.bushey@state.co.us]**Sent:** Wednesday, April 29, 2015 12:42 PM**To:** Patricia Carmody: Fairmount Heritage Foundation; Roxanne Eflin; John Olson, HDI Director of Preservation Programs; Gause, George - Community Planning and Development; Kelly Briggs; Dominick Sekich**Subject:** I70E Comment Resolution: Revised Effect Determination

Good Afternoon I-70 East Consulting Parties:

As you know, the 45-day review period for the revised Section 106 Effects Report for the proposed I-70 East Corridor Improvements closed Monday April 27, 2015. Many thanks for your time and expertise in reviewing that document.

Only one change was proposed under this review, derived from the SHPO office. SHPO requested the determination for resource 5DV9679 under the No-Action Alternative, South Option be **changed from no adverse effect to adverse effect**. A letter outlining the request is attached.

CDOT agrees with the rationale offered by SHPO, and has revised the finding. A letter outlining the change and new effect language for the resource is also attached. Once concurrence is received, new, final effects reports will be printed and delivered to your respective offices. Please note that this comment resolution does not re-initiate the 30-day review period. Should you have comments on the revised effect determination, please forward them by the end of this week.

As a reminder, comments on the film are due on Monday May 4, 2015 per our discussion at the last consulting party meeting. I will be meeting with Havey Productions to review our thoughts, comments, and requests for revision on Wednesday morning May 6, 2015.

Best,

Ashley

Ashley L. Bushey

Senior Historian
Planning & Environmental

|

P 303.757.9397 | F 303.757.9036

2000 South Holly Street, Second Floor Denver, CO 80222

ashley.bushey@state.co.us | www.coloradodot.info | www.cotrip.org



COLORADO

Department of Transportation

Region 1

Planning & Environmental
2000 South Holly Street,
Denver, CO 80222-4818

May 4, 2015

Mr. Edward C. Nichols
State Historic Preservation Officer
History Colorado
1200 Broadway
Denver, CO 80203

SUBJECT: Section 106 APE Modification, Additional Eligibility and Effect Determinations,
Interstate 70 (I-70) East Corridor Supplemental Draft Environmental Impact
Statement Re-evaluation, Denver County and Adams County (CHS #41831)

Dear Mr. Nichols:

This letter and attached materials constitute a request for concurrence on modifications to the Area of Potential Effects (APE), determinations of eligibility and for ten (10) additional resources located within the modified APE, and determinations of effect for these resources in conjunction with the Interstate 70 East (I-70E) Corridor Supplemental Draft Environmental Impact Statement (SDEIS). The footprint of the Partial Cover Lowered (PCL) alternative has been slightly altered, necessitating the alteration of the APE and review of newly added properties for National Register of Historic Preservation (NRHP) eligibility and Section 106 effects.

APE Modification

Two modifications to the APE are proposed under this consultation; the first to accommodate design changes resulting in the expansion of the PCL footprint and addition of eight (8) previously unrecorded resources, and the second to incorporate two historic districts into the APE to account for noise impacts anticipated under all project alternatives.

APE Modification 1: The APE was expanded to accommodate minor design modifications at the following locations: the northern and southern ends of the APE around the Union Pacific Railroad, along the front and rear of 4650 Steele Street, and expanded slightly along Colorado Boulevard, Dahlia Street, Glencoe Street, and Holly Street. At 4600 Elizabeth Street and 4700 Elizabeth Street the APE was expanded to include two vacant lots that will be incorporated into the Swansea Elementary School future property plan. The APE was also expanded at the southern end of the Market Lead Railroad/ Chicago, Burlington and Quincy Railroad Segment (5AM1298.2), at 3600 E 46th Avenue, 4650 Steele Street, 42245 E 46th Avenue, and 4801 E 46th Avenue. The APE was also expanded slightly along both Stapleton Drive North and Stapleton Drive South, a portion of Quebec Street north of I-70, the interchange area between Interstate 270 and I-70, some areas along Havana Street and Peoria Street, and a few minor locations north of I-70 and east of Havana Street with commercial properties that are not yet fifty years old. The final areas where the APE was minimally expanded are at the interchange with Interstate 225, North Chambers Road, near Airport Boulevard, and at Pagosa Street. Please reference the attached APE graphic for additional information.

APE Modification 2: The APE was widened both north and south of I-70E between Interstate 25 (I-25) and Washington Street to account for anticipated noise impacts under all alternatives. Two potentially eligible historic districts are located adjacent to I-70E in this location: Globeville Historic District to the north, and Garden Place Historic District to the south. The APE line was drawn to incorporate the location of noise receptors, which measured the extent and magnitude of current and projected noise impacts in the area. In keeping with the treatment of other historic districts currently within the APE, the entire historic district was not included in the APE. Please refer to the attached APE graphic for additional information.

Methodology

APE Modification 1: All resources within the expanded APE that meet or exceed 45 years of age were surveyed and recorded on Architectural Inventory Forms (OAHP Form 1403). This resulted in the completion of eight new site forms. In addition, the historic resource boundary for a previously recorded segment of the Beltline Railroad (5AM2083.1) was expanded to include the associated switching yard and staging area.

APE Modification 2: The Globeville and Garden Place Historic Districts were evaluated in 1983, and are currently under re-evaluation by cultural resource staff for the subject project. Eligibility and effects consultation for these resources will be submitted separately, and these districts are not further addressed in this submission.

Eligibility Determinations

Union Pacific Beltline Railroad Segment (5AM2083.1): The subject segment of the Union Pacific Beltline Railroad was previously determined *officially eligible*. This recordation served to expand the boundaries to include a switching station and maintenance yard associated with the railroad and located just north of I-70 and Quebec Street. This expanded area supports the integrity of the linear resource and the resource retains enough integrity to support significance under Criterion A for association with the business and commercial development of Denver and the broad history of Colorado and the expansion of transportation and commerce in the west. The expanded segment is considered *supporting* of the overall eligibility of resource 5AM2083, the Union Pacific Beltline Railroad.

Mobil Oil Company (5DV11717): The Mobile Oil Company, located at 4545 Holly Street, is a commercial building constructed in 1964. The resource is not significant under Criterion A as there is no evidence that it is associated with events that have made a significant contribution to the broad pattern of history. Historical research did not reveal any association between the resource and the lives of persons significant in our past and therefore the resource is not significant under Criterion B. The building was constructed as a typical commercial warehouse/office building, but exhibits limited characteristics of a specific architectural style or type. Finally, the resource is not significant under Criterion C as it does not embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master. Although the building possesses some elements of the modern movements style in the use of narrow windows with horizontal lines and brickwork that emphasize the horizontal feeling of the building; these elements are not distinctive enough to embody a style or type and make this resource significant for architecture. The warehouse portion of the building dominates the entire structure and is not integrated into the overall design. Because the resource lacks significance, it is *not eligible* to the National Register of Historic Places (NRHP).

Byrd Sales Company, Inc. Warehouse (5DV11719): The Byrd Sales Company Warehouse, located at 6800 East Stapleton Drive South, was constructed in 1966 and features a brick clad entryway and office on the north portion of a larger warehouse and shop building. The resource is not significant under Criterion A as there is no evidence of association with events that have made a significant contribution to the broad pattern of history. The building was constructed as a typical commercial warehouse/office building. Historic research did not reveal any association between the resource and the lives of persons significant in our past and therefore the resource is not significant under Criterion B. The resource is not significant under Criterion C as it does not embody the distinctive characteristics of a type, period, or method of construction, or

represent the work of a master. Although the building possesses elements of the modern movements style in the use of narrow vertical windows and the decorative stonework, emphasizing a vertical sense of building, these elements are not distinctive enough to embody a style or type and make this resource significant for architecture. The warehouse portion of the building dominates the entire structure and overwhelms the delicate elements of the windows and brick details over the windows. Because the resource lacks significance, it is *not eligible* to the NRHP.

Banker's Warehouse Company (5DV11720): The Banker's Warehouse Company resource consists of two warehouse buildings and a separate office building, all located at 4303 Brighton Boulevard. The warehouse buildings now house the Forney Transportation Museum, while the office building houses another business. The Banker's Warehouse Company resource is significant under Criterion C. The main warehouse building has been heavily modified when it was transformed into the Forney Transportation Museum, and the secondary warehouse building- noted as Building 2 in the site form- is a-stylistic. The office building, however, is a good example of a modern movement office building as it contains an emphasis on horizontal massing and features ribbons of windows divided by thin steel frames. The building was modified in 1995 with the construction of a large addition along the rear of the building, and the alteration of fenestration openings on the east and west elevations. Although a large addition was constructed, it was built to the rear of the building and does not detract from the character defining features of the building, including the low, horizontal orientation or the ribbons of windows. In addition, the altered fenestration openings on the east and west elevations are not prominent and likewise, do not detract from the modern visual aesthetic of the building. Although the integrity of design of the office building was altered, it still retains sufficient integrity of materials, workmanship, feeling, association, and location to support its significance to the NRHP. The Banker's Warehouse Company is *eligible* to the NRHP.

CDOT Havana Maintenance Yard (5DV11721): Constructed in 1967 and located at 4375 Havana Street, this resource consists of a maintenance office/garage building and associated sand storage shed and ancillary features. The resource is not significant under Criterion A as there is no association between the property and events that have made a significant contribution to the broad pattern of history. It is not associated with the lives of persons significant in our past and therefore the resource is not significant under Criterion B. The resource is also not significant under Criterion C because it does not embody the distinctive characteristics of a type, period, or method of construction or represent the work of a master. The resource is a simple office and garage storage building that is not reflective of any particular architectural style or a type of construction. It is a simple utilitarian building clad in metal siding and topped with a metal roof. Based on aerial photography, the sand storage shed is not yet fifty years old. Because the resource lacks significance, the resource is *not eligible* the NRHP.

Silver Fox Restaurant (5DV11722): The Silver Fox Restaurant is a former restaurant property located at 4570 Glencoe Street. The resource was constructed in 1967 and is currently vacant. It is not significant under Criterion A because it has not contributed to the broad pattern of history. The building has not been part of a significant transportation or commercial development in the north Denver area. The resource is not eligible under Criterion B because no significant individuals are associated with the property. The resource is not significant under Criterion C because it is not a significant example of any architectural type. The mix of exterior materials, roofing styles, and window types make this resource an a-stylistic building lacking comprehensive commitment to a specific style. The resource is *not eligible* to the NRHP.

Murray and Stafford Property (5DV11723): The Murray and Stafford Property is an industrial commercial property and warehouse located at 6405 East Stapleton Drive Site. The resource was constructed in 1967. The resource is not associated with events that have made a significant contribution to the broad pattern of our history and therefore is not significant under Criterion A. It is currently utilized as a beverage plant for Safeway; however, it is located outside the Safeway Distribution Center Historic District. The resource was constructed later than the distribution center and was not historically related to the distribution

center. It is not significant under Criterion B as no association between the resource and persons significant in the past could be determined. The resource is also not significant under Criterion C because it does not embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master. The building is an a-stylistic warehouse building with very few character defining features that connect the building to a particular architectural style. Because the resource lacks significance, the resource is *not eligible* to the NRHP.

John Deere Parts (5DV11724): The John Deere Parts facility, located at 6101 East Stapleton Drive North, was constructed in 1967 and has served in the same capacity since its construction. Though it is a distribution warehouse for a large manufacturing company, there are numerous distribution warehouses for John Deere across the company and this particular warehouse does not hold any unique significance or importance in the growth or development of the company, which is headquartered in Illinois. In addition, it is not significant under Criterion B because there is no association between the resource and the lives of persons significant in the past. The building is also not significant under Criterion C as it does not embody the distinctive characteristics of a type, period or method of construction, or represent the work of a master. The building does not possess any distinctive characteristics of a particular architectural style and lacks any noteworthy features that warrant preservation. The building is a large warehouse with few stylistic elements, besides applied stacked stone utilized on a small portion of the southwest corner of the building where the office is located. The rest of the building lacks any embellishments or significant executions of methods of construction or characteristics of a type, or period of construction. Because the resource lacks significance, the resource is *not eligible* to the NRHP.

KBP Coil Coaters (5DV11725): KBP Coil Coaters is a large, rectangular plan warehouse/commercial building located at 3600 East 44th Avenue. The resource was constructed in 1967 and is capped with a distinctive plate roof form. Archival research found no indication that this resource is associated with events that have made a significant contribution to the broad pattern of history, nor is it associated with persons significant in the past; the resource is not significant under Criteria A or B. Although the building possess elements of the international or Modern Contemporary styles, including horizontal emphasis, asymmetry, and ribbons of glass windows, it has been heavily modified with alterations and two large additions, and it is missing several defining characteristics of both styles. Also, the building dates to 1969, which is not contemporaneous with the international style or its revival in the 1970s. The resource is not eligible under Criterion C. Because the resource lacks significance, the resource is *not eligible* to the NRHP.

Effects Determinations

Union Pacific Beltline Railroad Segment (5AM2083.1):

- **No-Action Alternative**
 - **No-Action Alternative, North Option:** The effects to this resource under the No-Action Alternative, North Option are the same as those described in the *I-70 East Environmental Impact Statement Section 106 Determination of Effects*. Your office concurred with a finding of *no historic properties affected* in correspondence dated September 23, 2014.
 - **No-Action Alternative, South Option:** The effects to this resource under the No-Action Alternative, South Option are the same as those described in the *I-70 East Environmental Impact Statement Section 106 Determination of Effects*. Your office concurred with a finding of *no historic properties affected* in correspondence dated September 23, 2014.
- **Revised Viaduct Alternative**
 - **Revised Viaduct Alternative, North Option:** The effects to this resource under the Revised Viaduct Alternative, North Option are the same as those described in the *I-70 East Environmental Impact Statement Section 106 Determination of Effects*. Your office

concluded with a finding of *no adverse effect* in correspondence dated September 23, 2014.

- **Revised Viaduct Alternative, South Option:** The effects to this resource under the Revised Viaduct Alternative, South Option are the same as those described in the *I-70 East Environmental Impact Statement Section 106 Determination of Effects*. Your office concluded with a finding of *no adverse effect* in correspondence dated September 23, 2014.
- **Partial Cover Lowered Alternative:** Under this alternative, a new bridge would be constructed over the railroad, and a wall will be built within the historic resource boundary. In order to construct these features, approximately 14,250 square feet will be acquired from the historic resource boundary. The construction of a bridge over the railroad would change the setting of the railroad segment. However, it would not change or modify the current appearance of the railroad grade or any of the character-defining features, including the alignment or elevation. Several features already cross the entire length of the railroad and the setting surrounding the railroad has changed over the years with the alteration of surrounding land use for various industries and residential development. Although integrity of setting may be impacted, the integrity of design and association would remain and the proposed work would not diminish the ability of the railroad to convey significance under Criterion A. Therefore, CDOT has determined that the Partial Cover Lowered Alternative would result in a finding of *no adverse effect*.

Mobil Oil Co. (5DV11717):

- **No-Action Alternative**
 - **No-Action Alternative, North Option:** There are no direct or indirect effects anticipated to this resource. Because there will be no direct or indirect effects, and the resource was determined not eligible, CDOT has determined that the No-Action Alternative, North Option would result in the determination of *no historic properties affected*.
 - **No-Action Alternative, South Option:** There are no direct or indirect effects anticipated to this resource. Because there will be no direct or indirect effects, and the resource was determined not eligible, CDOT has determined that the No-Action Alternative, South Option would result in the determination of *no historic properties affected*.
- **Revised Viaduct Alternative**
 - **Revised Viaduct Alternative, North Option:** There are no direct or indirect effects anticipated to this resource. Because there will be no direct or indirect effects, and the resource was determined not eligible, CDOT has determined that the Revised Viaduct Alternative, North Option would result in the determination of *no historic properties affected*.
 - **Revised Viaduct Alternative, South Option:** There are no direct or indirect effects anticipated to this resource. Because there will be no direct or indirect effects, and the resource was determined not eligible, CDOT has determined that the Revised Viaduct Alternative, North Option would result in the determination of *no historic properties affected*.
- **Partial Cover Lowered Alternative:** Under this alternative, the resource would be subject to partial acquisition of right-of-way (ROW). The resource is not eligible to the NRHP, and as a result, CDOT has determined that the Partial Cover Lowered Alternative would result in a finding of *no historic properties affected*.

Byrd Sales Co. Inc. Warehouse (SDV11719):

- **No-Action Alternative**
 - **No-Action Alternative, North Option:** There are no direct or indirect effects anticipated to this resource. Because there will be no direct or indirect effects, and the resource was determined not eligible, CDOT has determined that the No-Action Alternative, North Option would result in the determination of *no historic properties affected*.
 - **No-Action Alternative, South Option:** There are no direct or indirect effects anticipated to this resource. Because there will be no direct or indirect effects, and the resource was determined not eligible, CDOT has determined that the No-Action Alternative, South Option would result in the determination of *no historic properties affected*.
- **Revised Viaduct Alternative**
 - **Revised Viaduct Alternative, North Option:** There are no direct or indirect effects anticipated to this resource. Because there will be no direct or indirect effects, and the resource was determined not eligible, CDOT has determined that the Revised Viaduct Alternative, North Option would result in the determination of *no historic properties affected*.
 - **Revised Viaduct Alternative, South Option:** There are no direct or indirect effects anticipated to this resource. Because there will be no direct or indirect effects, and the resource was determined not eligible, CDOT has determined that the Revised Viaduct Alternative, South Option would result in the determination of *no historic properties affected*.
- **Partial Cover Lowered Alternative:** Under this alternative, the resource would be subject to partial ROW acquisition. The resource is not eligible to the NRHP, and as a result, CDOT has determined that the Partial Cover Lowered Alternative would result in a finding of *no historic properties affected*.

Banker's Warehouse Co. (SDV11720):

- **No-Action Alternative**
 - **No-Action Alternative, North Option:** This resource is located southwest of Brighton Boulevard and south of I-70, 987 feet from the existing viaduct. The viaduct would not be replaced west of Brighton Boulevard. No temporary or permanent construction easements or ROW acquisitions would not necessary from this resource. Potential indirect effects include visual changes to the setting and increases in noise.

There may be potential changes in noise levels, however, this building is separated from I-70 by two large commercial buildings. Though the potential increase in noise and changes to I-70 represent an alteration in the setting of the resource, their construction would not diminish the ability of the resource to convey its architectural significance, since these setting elements would not change or diminish the features of the resource that qualify it for inclusion on the NRHP. CDOT concluded that the No-Action Alternative, North Option would result in a determination of *no adverse effect* to the resource.
 - **No-Action Alternative, South Option:** This resource is located southwest of Brighton Boulevard and south of the I-70, 987 feet from the existing viaduct. The viaduct would not be replaced west of Brighton Boulevard. No temporary or permanent construction easements or ROW acquisitions would be necessary from this resource. Potential indirect effects include visual changes to the setting and increases in noise.

There may be potential changes in noise levels, however, this building is separated from I-70 by two large commercial buildings. Though the potential increase in noise and changes to I-70 represent an alteration in the setting of the resource, their construction would not diminish the ability of the resource to convey its architectural significance, since these setting elements would not change or diminish the features of the resource that qualify it for inclusion on the NRHP. CDOT concluded that the No-Action Alternative, South Option would result in a determination of *no adverse effect* to the resource.

- **Revised Viaduct Alternative**

- **Revised Viaduct Alternative, North Option:** This resource is located southwest of Brighton Boulevard and south of I-70, 987 feet from the existing viaduct. The viaduct would not be replaced west of Brighton Boulevard. No temporary or permanent construction easements or ROW acquisitions would be necessary from this resource. Potential indirect effects include visual changes to the setting and increases in noise.

There may be potential changes in noise levels, however, this building is separated from I-70 by two large commercial buildings. Though the potential increase in noise and changes to I-70 represent an alteration in the setting of the resource, their construction would not diminish the ability of the resource to convey its architectural significance, since these setting elements would not change or diminish the features of the resource that qualify it for inclusion on the NRHP. CDOT concluded that the Revised Viaduct Alternative, North Option would result in a determination of *no adverse effect* to the resource.

- **Revised Viaduct Alternative, South Option:** This resource is located southwest of Brighton Boulevard and south of I-70, 987 feet from the existing viaduct. The viaduct would not be replaced west of Brighton Boulevard. No temporary or permanent construction easements or ROW acquisitions would be necessary from this resource. Potential indirect effects include visual changes to the setting and increases in noise.

There may be potential changes in noise levels, however, this building is separated from I-70 by two large commercial buildings. Though the potential increase in noise and changes to I-70 represent an alteration in the setting of the resource, their construction would not diminish the ability of the resource to convey its architectural significance, since these setting elements would not change or diminish the features of the resource that qualify it for inclusion on the NRHP. CDOT concluded that the Revised Viaduct Alternative, South Option would result in a determination of *no adverse effect* to the resource.

- **Partial Cover Lowered Alternative:** This resource is located 987 feet from the existing viaduct. I-70 west of Brighton Boulevard would remain in place and improvements associated with the Partial Cover Lowered structure would start east of Brighton Boulevard. There would, however, be an acquisition of approximately 1,515 square feet from the northwest corner of the resource in order to construct a retaining wall and box culvert. The area where the acquisition will occur is vacant, covered in overgrown grass, and sits on a lower topography than the buildings. The building closest to the acquisition location, Building 3, is situated high atop a bluff and the wall and box culvert would not be visible from the building. Because the improvements proposed under the Partial Cover Lowered Alternative would not impact the character defining features of the property or its ability to convey its significance under Criterion C for architecture, CDOT has determined that this alternative would result in a finding of *no adverse effect*.

CDOT Havana Maintenance Yard (5DV11721):

- **No-Action Alternative**
 - **No-Action Alternative, North Option:** There are no direct or indirect effects anticipated to this resource. Because there will be no direct or indirect effects, and the resource was determined not eligible, CDOT has determined that the No-Action Alternative, North Option would result in the determination of *no historic properties affected*.
 - **No-Action Alternative, South Option:** There are no direct or indirect effects anticipated to this resource. Because there will be no direct or indirect effects, and the resource was determined not eligible, CDOT has determined that the No-Action Alternative, South Option would result in the determination of *no historic properties affected*.
- **Revised Viaduct Alternative**
 - **Revised Viaduct Alternative, North Option:** There are no direct or indirect effects anticipated to this resource. Because there will be no direct or indirect effects, and the resource was determined not eligible, CDOT has determined that the Revised Viaduct Alternative, North Option would result in the determination of *no historic properties affected*.
 - **Revised Viaduct Alternative, South Option:** There are no direct or indirect effects anticipated to this resource. Because there will be no direct or indirect effects, and the resource was determined not eligible, CDOT has determined that the Revised Viaduct Alternative, South Option would result in the determination of *no historic properties affected*.
- **Partial Cover Lowered Alternative:** Under this alternative, the resource would be subject to the full of acquisition of the property under the modified option. The resource is not eligible to the NRHP, and as a result, CDOT has determined that the Partial Cover Lowered Alternative would result in a finding of *no historic properties affected*.

Silver Fox Restaurant (5DV11722):

- **No-Action Alternative**
 - **No-Action Alternative, North Option:** There are no direct or indirect effects anticipated to this resource. Because there will be no direct or indirect effects, and the resource was determined not eligible, CDOT has determined that the No-Action Alternative, North Option would result in the determination of *no historic properties affected*.
 - **No-Action Alternative, South Option:** There are no direct or indirect effects anticipated to this resource. Because there will be no direct or indirect effects, and the resource was determined not eligible, CDOT has determined that the No-Action Alternative, South Option would result in the determination of *no historic properties affected*.
- **Revised Viaduct Alternative**
 - **Revised Viaduct Alternative, North Option:** There are no direct or indirect effects anticipated to this resource. Because there will be no direct or indirect effects, and the resource was determined not eligible, CDOT has determined that the Revised Viaduct Alternative, North Option would result in the determination of *no historic properties affected*.
 - **Revised Viaduct Alternative, South Option:** There are no direct or indirect effects anticipated to this resource. Because there will be no direct or indirect effects, and the resource was determined not eligible, CDOT has determined that the Revised Viaduct

Alternative, South Option would result in the determination of *no historic properties affected*.

- **Partial Cover Lowered Alternative:** Under this alternative, the resource would be subject to a partial acquisition of this property. The resource is not eligible to the NRHP, and as a result, CDOT has determined that the Partial Cover Lowered Alternative would result in a finding of *no historic properties affected*.

Murray and Stafford Property (5DV11723):

- **No-Action Alternative**
 - **No-Action Alternative, North Option:** There are no direct or indirect effects anticipated to this resource. Because there will be no direct or indirect effects, and the resource was determined not eligible, CDOT has determined that the No-Action Alternative, North Option would result in the determination of *no historic properties affected*.
 - **No-Action Alternative, South Option:** There are no direct or indirect effects anticipated to this resource. Because there will be no direct or indirect effects, and the resource was determined not eligible, CDOT has determined that the No-Action Alternative, South Option would result in the determination of *no historic properties affected*.
- **Revised Viaduct Alternative**
 - **Revised Viaduct Alternative, North Option:** There are no direct or indirect effects anticipated to this resource. Because there will be no direct or indirect effects, and the resource was determined not eligible, CDOT has determined that the Revised Viaduct Alternative, North Option would result in the determination of *no historic properties affected*.
 - **Revised Viaduct Alternative, South Option:** There are no direct or indirect effects anticipated to this resource. Because there will be no direct or indirect effects, and the resource was determined not eligible, CDOT has determined that the Revised Viaduct Alternative, South Option would result in the determination of *no historic properties affected*.
- **Partial Cover Lowered Alternative:** Under this alternative, the resource would be subject to a partial acquisition of the property. The resource is not eligible to the NRHP, and as a result, CDOT has determined that the Partial Cover Lowered Alternative would result in a finding of *no historic properties affected*.

John Deere Parts (5DV11724):

- **No-Action Alternative**
 - **No-Action Alternative, North Option:** There are no direct or indirect effects anticipated to this resource. Because there will be no direct or indirect effects, and the resource was determined not eligible, CDOT has determined that the No-Action Alternative, North Option would result in the determination of *no historic properties affected*.
 - **No-Action Alternative, South Option:** There are no direct or indirect effects anticipated to this resource. Because there will be no direct or indirect effects, and the resource was determined not eligible, CDOT has determined that the No-Action Alternative, South Option would result in the determination of *no historic properties affected*.
- **Revised Viaduct Alternative**
 - **Revised Viaduct Alternative, North Option:** There are no direct or indirect effects anticipated to this resource. Because there will be no direct or indirect effects, and the

resource was determined not eligible, CDOT has determined that the Revised Viaduct Alternative, North Option would result in the determination of *no historic properties affected*.

- **Revised Viaduct Alternative, South Option:** There are no direct or indirect effects anticipated to this resource. Because there will be no direct or indirect effects, and the resource was determined not eligible, CDOT has determined that the Revised Viaduct Alternative, South Option would result in the determination of *no historic properties affected*.
- **Partial Cover Lowered Alternative:** Under this alternative, the resource would be subject to a partial acquisition. The resource is not eligible to the NRHP, and as a result, CDOT has determined that the Partial Cover Lowered Alternative would result in a finding of *no historic properties affected*.

KBP Coil Coaters (5DV11725):

- **No-Action Alternative**
 - **No-Action Alternative, North Option:** There are no direct or indirect effects anticipated to this resource. Because there will be no direct or indirect effects, and the resource was determined not eligible, CDOT has determined that the No-Action Alternative, North Option would result in the determination of *no historic properties affected*.
 - **No-Action Alternative, South Option:** There are no direct or indirect effects anticipated to this resource. Because there will be no direct or indirect effects, and the resource was determined not eligible, CDOT has determined that the No-Action Alternative, South Option would result in the determination of *no historic properties affected*.
- **Revised Viaduct Alternative**
 - **Revised Viaduct Alternative, North Option:** There are no direct or indirect effects anticipated to this resource. Because there will be no direct or indirect effects, and the resource was determined not eligible, CDOT has determined that the Revised Viaduct Alternative, North Option would result in the determination of *no historic properties affected*.
 - **Revised Viaduct Alternative, South Option:** There are no direct or indirect effects anticipated to this resource. Because there will be no direct or indirect effects, and the resource was determined not eligible, CDOT has determined that the Revised Viaduct Alternative, South Option would result in the determination of *no historic properties affected*.
- **Partial Cover Lowered Alternative:** Under this alternative, the resource would be subject to acquisition of a permanent easement. The resource is not eligible to the NRHP, and as a result, CDOT has determined that the Partial Cover Lowered Alternative would result in a finding of *no historic properties affected*.

This information has been sent concurrently to the Consulting Parties participating in the Section 106 process for this project: City and County of Denver Landmark Preservation Commission, Colorado Preservation, Inc., Historic Denver, Inc., Fairmount Heritage Foundation, and the Fairmount Cemetery Company. We request your comments on the revised APE and concurrence with the Determinations of Eligibility and Effects outlined above. If you require additional information, please contact CDOT Region 1 Senior Staff Historian Ashley L. Bushey at (303) 757-9397 or ashley.bushey@state.co.us.

Sincerely,



for Charles Attardo
Region 1 Planning and Environmental Manager

CC:

Vanessa Henderson, CDOT NEPA Lead
Carrie Wallis, I 70 East SDEIS Project Manager (Atkins)

Attachments:

Revised APE map

Site Forms (5DV5AM2083.1, 5DV11717, 5DV11719, 5DV11720, 5DV11721, 5DV11722, 5DV11723, 5DV11724, 5DV11725)



May 7, 2015

Charles Attardo
Region 1 Planning and Environmental Manager
Colorado Department of Transportation, Region 1
2000 South Holly Street
Denver, CO 80222

Re: Determinations of Effect: Response to Comments: Interstate 70 (I-70) East Supplemental Draft Environmental Impact Statement Re-Evaluation, Denver County and Adams County (CHS #41831)

Dear Mr. Attardo:

Thank you for your additional information correspondence dated and received by email on April 29, 2015. After review of the provided information, we concur with the recommended finding of *adverse effect* under Section 106 for resource 5DV.9679 under the No-Action Alternative, South Option.

If unidentified archaeological resources are discovered during construction, work must be interrupted until the resources have been evaluated in terms of the National Register criteria, 36 CRF 60.4, in consultation with this office.

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings.

Please note that our compliance letter does not end the 30-day review period provided to other consulting parties. If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Manager, at (303) 866-4678.

Sincerely,

 Edward C. Nichols
State Historic Preservation Officer



DENVER
THE MILE HIGH CITY

Community Planning and Development
Denver Landmark Preservation

201 West Colfax, Dept. 205
Denver, CO 80202
p: (720)-865-2709
f: (720)-865-3050

www.denvergov.org/preservation

E-Mail: landmark@denvergov.org

May 29, 2015

Ashley L. Bushey
State of Colorado; Department of Transportation
Region 1, Planning and Environmental
2000 South Holly Street
Denver, CO 80222

Subject: Section 106 APE Modification, Additional Eligibility and Effect Determinations,
Interstate 70 (I-70) East Supplemental Draft Environmental Impact Statement Re-evaluation, Denver
County and Adams County (CHS #41831)

Thank you for the opportunity to provide comments for the proposal.

We are providing comments based on our role as Certified Local Government (CLG)
representative for Denver County, Colorado for compliance with Section 106 (36 CFR 800) of
the National Historic Preservation Act and the National Environmental Policy Act (NEPA).

Our office concurs with the APE modification additional determinations of eligibility and effect
for the I-70 East Supplemental Draft Environmental Impact Statement as outlined in your May 4,
2015 report.

Again, thank you for providing the information. If you need further information, please do not
hesitate to contact our office.

Sincerely,

George Gause
Denver Landmark Preservation staff
City & County of Denver Colorado



June 2, 2015

Charles Attardo
Region 1 Planning and Environmental Manager
Colorado Department of Transportation, Region 1
2000 South Holly Street
Denver, CO 80222

Re: Section 106 APE Modification, Additional Eligibility and Effect Determinations, Interstate 70 (I-70) East Supplemental Draft Environmental Impact Statement Re-Evaluation, Denver County and Adams County (CHS #41831)

Dear Mr. Attardo:

Thank you for your additional information correspondence dated May 4, 2015 and received by our office on May 8, 2015. After review of the provided information, we do not object to the proposed revised Area of Potential Effects (APE) for the project.

We concur that resource 5DV.11720 is eligible for the National Register of Historic Places and that segment 5AM.2083.1 retains integrity and supports the overall eligibility of the entire linear resource 5AM.2083. We concur that resources 5DV.11717, 5DV.11725, 5DV.11719, 5DV.11721, 5DV.11722, 5DV.11723, and 5DV.11724 are not eligible for the National Register of Historic Places.

After review of the scope of work, we concur with the recommended findings of effects under each alternative described in your report letter for resources:

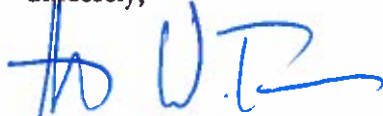
- 5DV.2083, including segment 5DV.2083.1
- 5DV.11717
- 5DV.11719
- 5DV.11720
- 5DV.11721
- 5DV.11722
- 5DV.11723
- 5DV.11724
- 5DV.11725

If unidentified archaeological resources are discovered during construction, work must be interrupted until the resources have been evaluated in terms of the National Register criteria, 36 CRF 60.4, in consultation with this office.

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings.

Please note that our compliance letter does not end the 30-day review period provided to other consulting parties. If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Manager, at (303) 866-4678.

Sincerely,



Edward C. Nichols
State Historic Preservation Officer





COLORADO

Department of Transportation

Region 1

Planning & Environmental
2000 South Holly Street,
Denver, CO 80222-4818

June 4, 2015

Mr. Edward C. Nichols
State Historic Preservation Officer
Colorado Historical Society
1200 Broadway
Denver, CO 80203

SUBJECT: Additional Eligibility and Effect Determinations, Interstate 70 (I-70) East
Corridor Final Environmental Impact Statement Re-evaluation, Denver County
and Adams County (CHS #41831)

Dear Mr. Nichols:

This letter and attached materials constitute a request for concurrence on determinations of eligibility and effects for two additional resources located within the modified APE for the Interstate 70 (I-70) East Corridor Final Environmental Impact Statement (FEIS).

Methodology

Two historic districts, Globeville and Garden Place, were identified at the western end of the I-70 East project area, located north and south of I-70 between I-25 and Washington Street. Both districts were initially evaluated in 1983, resulting in official determinations of eligibility for both districts. These districts were not initially included in the Area of Potential Effect (APE) for the subject project, as project activities along I-70 between I-25 and Washington Street were confined to re-striping. Work currently proposed in this area is not confined to re-striping the existing configuration, but rather re-striping to add capacity through an additional travel lane in each direction. Additional capacity can result in increases in noise; recognized as an indirect effect on historic resources. The project APE was expanded to include potentially affected areas of the Globeville and Garden Place Historic Districts. This APE modification was submitted to your office by a letter dated May 4, 2015. No response on the proposed modification has been received from your office date.

Due to the age of initial 1983 survey documents, both the Globeville and Garden Place Historic Districts were re-surveyed on OAHF Form 1403: Architectural Inventory Forms. A reconnaissance "windshield" survey of the historic districts was completed and selected photographs were taken. Properties were not individually documented to determine contributing status in the district, as no direct effects to the district or individual properties are indicated by project activities in this area.

Eligibility Determinations

Garden Place Historic District (5DV1690): The Garden Place Historic District was initially surveyed in 1983, resulting in an official determination of eligibility. The 1983 survey states the "... neighborhood has great significance in the history of Denver and Colorado as one of the largest ethnic neighborhoods in the state. It has an important relationship with the Globe Smelter and the mining history of Colorado. The architectural resources in the neighborhood are significant for their vernacular style from the 1880s through the 1920s, for their method of construction and materials, their association with the ethnic worker and for the unusual types and the number of these resources."

The windshield survey completed for this project indicates that there have been some additional demolitions and new construction since the 1983 recordation; however, the district remains largely intact. Several houses have been altered through small additions, alterations to fenestration and materials. Although many of these alterations would preclude the resource from individual eligibility, the district retains sufficient cohesiveness to convey significance and support eligibility. Despite the construction of Interstate 70 and Interstate 25 through the neighborhood in the 1950s-1960s and later changes to individual properties, the Garden Place Historic District retains sufficient integrity of location, setting, design, materials, workmanship, association, and feeling to support the eligibility of the district and convey significance under Criterion A and C as an ethnic, working class neighborhood, related to the surrounding industry, and its collection of vernacular homes from 1880s through the 1920s.

Globeville Historic District (5DV1691): The Globeville Historic District was initially surveyed in 1983, resulting in an official determination of eligibility. The 1983 survey states "...the Globeville neighborhood has great significance in the history of Denver and Colorado as one of the largest ethnic neighborhoods in the state. It has an important relationship with the Globe Smelter and the mining history of Colorado. The architectural resources in the neighborhood are significant for their vernacular style from the 1880s through the 1920s, for their method of construction and materials, their association with the ethnic worker and for the unusual types and the number of these resources."

The windshield survey of the historic district completed for this project reveals some additional demolitions and alterations to individual properties since the 1983 recordation, however the district remains largely intact. Several houses have been altered through small additions, alterations to fenestration and materials. Although many of these alterations would preclude the resource from individual eligibility, the district retains sufficient cohesiveness to convey significance and support eligibility. Despite the construction of Interstate 70 and Interstate 25 through the neighborhood in the 1950s-1960s and later changes to individual properties, the Globeville Historic District retains sufficient integrity of location, design, materials, workmanship, association, and feeling to support the eligibility of the district under Criterion A and C and convey significance as an ethnic, working class neighborhood, related to the surrounding industry, and its collection of vernacular homes from 1880s through the 1920s.

Effects Determinations

Garden Place Historic District (5DV1690): The Garden Place Historic District is located south of I-70 between I-25 and Washington Street. Work proposed on I-70 in this area consists of re-striping the existing pavement to add lane capacity in each travel direction. The work proposed in this area is the same under each of the project alternatives.

- **No-Action Alternative**

- **No-Action Alternative, North Option:** There are no direct effects anticipated to this resource. Indirect effects are possible as a result of potential increases in noise due to lane restriping through this area to add capacity. Noise modeling for the area indicates an increase in highway-generated noise in this area by 2035 with no changes to the lane configuration of 0.8 dBA (A-weighted decibel scale). The added capacity proposed by the project is projected to result in a noise increase of 1.9 dBA, representing 1.1 dBA over the future projected noise increases without constructing the project or increasing capacity in the vicinity of the Garden Place Historic District. An increase of 1.1 dBA, however, is considered very minor. Research and industry standards for noise evaluation have established that an increase of 3 dBA is considered barely perceptible to the human ear and levels below that are often considered imperceptible. The anticipated increase in the Garden Place Historic District is less than the point where the noise increase becomes perceptible to the human ear.

Loud setting features surround the Garden Place Historic District both currently, and historically. Today, Interstate 25 is located immediately to the west of the Garden Place Historic District, Interstate 70 to the north, Washington Street to the east, and railroad switching yards to the South. Historically, the neighborhood was similarly noisy, however the noise emanated from the industry surrounding it, including the Argo Smelter to the west, the Globeville Smelter to the north, the Grant Smelter to the east, and various packing plants and other industrial enterprises. Finally, the railroad-switching yard was historically functioning south of the historic district. The current and future noise levels do not distract from the character-defining features of the historic district or its ability to convey its significance as an example of worker housing with ethnic associations. Because of its historical associations with noise, the imperceptible increase in noise proposed under this project, and the continued ability of the district to still convey its significance, CDOT has determined that the No-Action Alternative, North Option would result in *no adverse effect* to the Garden Place Historic District.

- **No-Action Alternative, South Option:** Under this alternative, the Garden Place Historic District will experience similar effects to those under the No-Action Alternative, North Option. Because of this, CDOT has determined that the No-Action Alternative, South Option would result in the determination of *no adverse effect*.
- **Revised Viaduct Alternative**
 - **Revised Viaduct Alternative, North Option:** Under this alternative, the Garden Place Historic District will experience similar effects to those under the No-Action Alternative, North Option. Because of this, CDOT has determined that the Revised Alternative, North Option would result in the determination of *no adverse effect*.
 - **Revised Viaduct Alternative, South Option:** Under this alternative, the Garden Place Historic District will experience similar effects to those under the No-Action Alternative, North Option. Because of this, CDOT has determined that the Revised Viaduct Alternative, South Option would result in the determination of *no adverse effect*.
- **Partial Cover Lowered Alternative:** Under this alternative, the Garden Place Historic District will experience similar effects to those under the No-Action Alternative, North Option. Because of this, CDOT has determined that the Partial Cover Lowered Alternative would result in the determination of *no adverse effect*.

Globeville Historic District (SDV1691): The Globeville Historic District is located north of I-70 between I-25 and Washington Street. Work proposed on I-70 in this area consists of re-striping the existing pavement to add lane capacity in each travel direction. The work proposed in this area is the same under each of the project alternatives.

- **No-Action Alternative**
 - **No-Action Alternative, North Option:** There are no direct effects anticipated to this resource. There will possibly be, however, indirect effects as a result of potential increases in noise because of lane restriping through this area that will add capacity. Noise modeling for the area indicates an increase in highway-generated noise in this 1.8 area by 2035 with no changes to the lane configuration of dBA (A-weighted decibel scale). The added capacity proposed by the project is projected to result in a noise increase of 2.4 dBA, representing 0.6 dBA over the future projected noise

increases without constructing the project or increasing capacity in the vicinity of the Globeville Historic District. An increase of 0.6 dBA, however, is considered very minor. Research and industry standards for noise evaluation have established that an increase of 3 dBA is considered barely perceptible to the human ear and levels below that are often considered imperceptible. The anticipated increase in the Globeville Historic District is 2.4 dBA, less than the point where the noise increase becomes perceptible to the human ear.

Loud features surround the Globeville Historic District both currently, and historically. Today, Interstate 25 is located immediately to the west of the Globeville Historic District, Interstate 70 to the south, and Washington Street to the east. Historically, the neighborhood was similarly noisy, however the noise emanated from the industry surrounding it, including the Argo Smelter to the west, the Globeville Smelter to the north, the Grant Smelter to the east, and various packing plants and other industrial enterprises. The current and future noise levels do not distract from the character-defining features of the historic district or its ability to convey its significance as an example of worker housing with ethnic associations. Because of its historical associations with noise, the imperceptible increase in noise proposed under this project, and the continued ability of the district to still convey its significance, CDOT has determined that the No-Action Alternative, North Option would result in *no adverse effect* to the Globeville Historic District.

- **No-Action Alternative, South Option:** Under this alternative, the Garden Place Historic District will experience similar effects to those under the No-Action Alternative, North Option. Because of this, CDOT has determined that the No-Action Alternative, South Option would result in the determination of *no adverse effect*.
- **Revised Viaduct Alternative**
 - **Revised Viaduct Alternative, North Option:** Under this alternative, the Garden Place Historic District will experience similar effects to those under the No-Action Alternative, North Option. Because of this, CDOT has determined that the Revised Alternative, North Option would result in the determination of *no adverse effect*.
 - **Revised Viaduct Alternative, South Option:** Under this alternative, the Garden Place Historic District will experience similar effects to those under the No-Action Alternative, North Option. Because of this, CDOT has determined that the Revised Viaduct Alternative, South Option would result in the determination of *no adverse effect*.
- **Partial Cover Lowered Alternative:** Under this alternative, the Garden Place Historic District will experience similar effects to those under the No-Action Alternative, North Option. Because of this, CDOT has determined that the Partial Cover Lowered Alternative would result in the determination of *no adverse effect*.

This information has been sent concurrently to the City and County of Denver Landmark Preservation Commission, Colorado Preservation, Inc., Historic Denver, Inc., and Fairmount Heritage Foundation, and the Fairmount Cemetery Company. Any response from them will be forwarded to you. We request your concurrence on the Determinations of Eligibility and Effects outlined above. If you require additional

Mr. Nichols
June 4, 2015
Page 5

information, please contact CDOT Region 1 Senior Staff Historian Ashley L. Bushey at (303) 757-9397 or ashley.bushey@state.co.us.

Sincerely,



✓ Charles Attardo
Region 1 Planning and Environmental Manager

CC:
Vanessa Henderson, CDOT Environmental Programs Branch
Carrie Wallis, I 70 East EIS Project Manager (Atkins)

Attachments:
Site Forms (5DV1690, 5DV1691)
1983 Initial Survey
2015 OAHP 1403 Form



U.S. Department
of Transportation
**Federal Highway
Administration**

Colorado Division

June 15, 2015

12300 W. Dakota Ave., Ste. 180
Lakewood, Colorado 80228
720-963-3000

Mr. Reid Nelson, Director
Advisory Council on Historic Preservation
Attn: Christopher Wilson
401 F Street NW, Suite 308
Washington, DC 20001

SUBJECT: Documentation of Adverse Effect, Colorado Department of Transportation Project AQC
R600-165: Interstate 70 East (I-70) Corridor Environmental Impact Statement (EIS),
Denver and Adams Counties, Colorado

Dear Mr. Nelson:

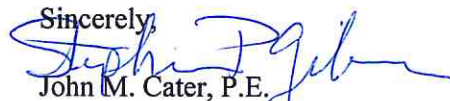
Enclosed is the Documentation for Finding of Adverse Effect for the Colorado Department of Transportation (CDOT) project referenced above. The Federal Highway Administration (FHWA) and Colorado State Historic Preservation Officer (SHPO) have agreed that the proposed undertaking will have an Adverse Effect on several properties eligible to the National Register of Historic Places under each of the alternatives studied for this proposed undertaking, including a No Build and two Build alternatives, each with two options reflecting minor modifications.

FHWA is submitting this Documentation for Finding of Adverse Effect pursuant to the Advisory Council regulations, 36 CFR 800.6(a)(1). In accordance with the process set forth in the regulations, mitigation measures are currently under discussion with the Colorado SHPO and participating consulting parties.

CDOT is preparing a draft Programmatic Agreement for the project. FHWA will submit the draft Programmatic Agreement for ACHP review and comment should the agency request to be involved in the consultation.

Please send a copy of all of your correspondence to CDOT Region 1 Senior Historian Ashley L. Bushey at 2000 South Holly, Denver, CO 80222. If you have questions or comments, or require additional information, please contact Ms. Bushey at (303)757-9397 or ashley.bushey@state.co.us or Stephanie Gibson of this office at (720) 963-3013 or stephanie.gibson@dot.gov.

Sincerely,



John M. Cater, P.E.
Division Administrator

By: Stephanie Gibson
Environmental Program Manager

Enclosure: Documentation of Adverse Effect

cc: Jane Hann, CDOT Environmental Programs Branch Manager
Ashley Bushey, CDOT Region 1 Senior Historian
Chris Horn, FHWA Area Engineer



June 15, 2015

Charles Attardo
Region 1 Planning and Environmental Manager
Colorado Department of Transportation, Region 1
2000 South Holly Street
Denver, CO 80222

Re: Additional Eligibility and Effect Determinations, Interstate 70 (I-70) East Corridor Final Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS #41831)

Dear Mr. Attardo:

Thank you for your correspondence dated June 4, 2015 and received on June 8, 2015 by our office regarding the consultation of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106).

After review of the provided information, we do not object to the proposed Area of Potential Effects (APE) for the proposed project. After review of the provided survey information, we concur that resource 5DV.1690/Garden Place Historic District is eligible for the National Register of Historic Places as a Historic District. Additionally, we concur that resource 5DV.1691/Globeville Historic District is eligible for the National Register of Historic Places as a Historic District.

After review of the scope of work and assessment of adverse effect, we concur with the finding of *no adverse effect* [36 CFR 800.5(d)(1)] under Section 106 for the following resources: 5DV.1690 and 5DV.1691.

If unidentified archaeological resources are discovered during construction, work must be interrupted until the resources have been evaluated in terms of the National Register criteria, 36 CFR 60.4, in consultation with this office.

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings.

Please note that our compliance letter does not end the 30-day review period provided to other consulting parties. If we may be of further assistance, please contact Jennifer Bryant, our Section 106 Compliance Manager, at (303) 866-2673 or jennifer.bryant@state.co.us.

Sincerely,

Edward C. Nichols
State Historic Preservation Officer

STATE OF
COLORADO

Bushey - CDOT, Ashley <ashley.bushey@state.co.us>

Additional Eligibility and Effect Determinations (CHS #41831)

1 message

Gause, George - Community Planning and Development

Mon, Jun 15, 2015 at 10:35

<George.Gause@denvergov.org>

AM

To: "Bushey - CDOT, Ashley" <ashley.bushey@state.co.us>

Ashley,

Denver Landmark Preservation has reviewed the Additional Eligibility and Effect Determinations, Interstate 70 (I-70) East Corridor Final Environmental Impact Statement Re-evaluation, Denver County and Adams County(CHS #41831). We concur with the findings

We have no further comments. Let me know if you have any questions. Thanks

George Gause | Senior City Planner-Landmark Preservation

Community Planning & Development | Planning Services



City and County of Denver

720.865.2929 | george.gause@denvergov.org

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The Landmark Preservation Commission (LPC) filing deadline increases to four (4) weeks prior to each meeting in 2015.

Comments and correspondence concerning proposals or applications are based on information received by the requestor and a comparison of that information and the Secretary of the Interior's Standards, Design Guidelines for Landmark Structures and Districts, Landmark Preservation Ordinance; Chapter 30 Revised Municipal Code and other applicable adopted guidelines. Staff is providing these comments for informal informational purposes only. These comments do not replace the formal design review process. More specific answers to a proposal can only be given after full review of the required documentation is accomplished. Landmark staff is not responsible for building or zoning review. Please submit plans to those agencies for comment.

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Preserving America's Heritage

July 06, 2015

Mr. John M. Cater, P.E.
Division Administrator
Federal Highway Administration
Colorado Division
12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228

Ref: *Proposed I-70 East Corridor Improvements Project*
Denver and Adams Counties, Colorado

Dear Mr. Cater:

The Advisory Council on Historic Preservation (ACHP) has received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and you determine that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Programmatic Agreement (PA), developed in consultation with the Colorado State Historic Preservation Office's (SHPO's) and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the PA and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions or require further assistance, please contact Christopher Wilson at 202 517-0229 or via e-mail at cwilson@achp.gov.

Sincerely,

LaShavio Johnson
Historic Preservation Technician
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

401 F Street NW, Suite 308 • Washington, DC 20001-2637
Phone: 202-517-0200 • Fax: 202-517-6381 • achp@achp.gov • www.achp.gov



COLORADO

Department of Transportation

Region 1

Planning & Environmental
2000 South Holly Street,
Denver, CO 80222-4818

September 2, 2015

Mr. Edward C. Nichols
State Historic Preservation Officer
Colorado Historical Society
1200 Broadway
Denver, CO 80203

SUBJECT: APE Update, Updated Effect Determinations and *De Minimis* Notification,
Interstate 70 (I-70) East Corridor Final Environmental Impact Statement Re-
evaluation, Denver County and Adams County (CHS #41831)

Dear Mr. Nichols:

This letter and attached materials constitute a request for comments on the expanded Area of Potential Effect (APE) and concurrence on modified determinations of effects for the Interstate 70 (I-70) East Corridor Final Environmental Impact Statement (FEIS) and an acknowledgement of the Section 4(f) *de minimis* notifications.

As plans for the project have progressed, more specific details regarding easement needs, measurements, and the distance of improvements from resources have been developed as the linework and project plans have been refined. Most effects determinations remain the same, and in those instances this correspondence offers updates to the specific impact measurements based on the most up to date information. There are four (4) resources, however, that will now experience reduced impacts resulting in a determination of *no adverse effect* based on the refined plans under the No Action Alternative, South Alternative whereas the March 2015 *Section 106 Effects Report* communicated an adverse effect.

The March 2015 *Section 106 Effects Report* lists effects to each resource for a Partial Cover Lowered Alternative with two options: Basic and Modified. The project team has since blended those two options into what is being referred to as the Partial Cover Lowered Alternative, Combined Option. This alternative will henceforth be referred to as the Partial Cover Lowered Alternative and the effects determinations in the March 2015 *Section 106 Effects Report* have not changed from those that were communicated with regard to the Partial Cover Lowered Alternative.

APE Updates

1. One property was mistakenly omitted from the previous APE graphics. It was consulted upon along with the rest of the properties within the APE, however the graphic depiction inadvertently omitted the property. This modification simply serves to update the APE graphic to reflect the inclusion of the United States Rubber Co., 4800 Colorado Boulevard (5DV9989) property. The omitted property was surveyed and eligibility was concurred with in a letter from your office dated May 28, 2013. In addition, the effects to this resource were consulted on and concurred with in a letter from your office dated April 27, 2015.
2. The APE is being expanded north of I-70 between Brighton Boulevard and Colorado Boulevard to East 47th Avenue, with the exception of the Swansea School property, to account for planned

mitigation activities for Environmental Justice. The APE already meets East 47th Avenue in most areas between Brighton and Colorado Boulevards, however two areas of the APE were expanded north to meet East 47th Avenue; between High and Vine Streets and between Fillmore and Milwaukee Streets. Please refer to the enclosed APE graphic for additional information.

Eligibility & Effects: Properties added to the APE

Residential properties in the area between Brighton Boulevard to the west, Colorado Boulevard to the east, E. 45th Avenue to the south, and E. 47th Avenue on the north are subject to Environment Justice mitigation against noise and dust impacts created by construction activities. The APE was expanded to cover this area and includes approximately ninety (90) eligible historic properties. Fourteen (14) of these are new properties within the expanded APE, which have not been individually evaluated to determine eligibility and will be *treated as eligible for the purpose of the project and Section 106 compliance*, and therefore Smithsonian numbers were not assigned. These properties are reflected in the table below.

Residents with air conditioning may have the option of closing their windows to mitigate the effects of both noise and dust, however many residents rely on the ventilation provided by open windows to cool their homes. As a mitigation measure under Environmental Justice, CDOT will provide residential properties in this area with two free portable or window-mounted air conditioning units with air filtration and assistance with potential additional utility costs during construction. Portable air-conditioning units, located inside a house and not mechanically connected to any architectural elements, will not affect the character or integrity of historic properties. Window-mounted units are non-permanent, reversible appliances that meet Standard 10 of the Secretary of the Interior's Standards for Rehabilitation. The project will result in a determination of *no adverse effect* to each of the approximately ninety (90) historic resources affected, including the fourteen (14) newly identified properties reflected in the table below.

New Properties within the APE

Property Address	Date of Construction	Determination of Eligibility	Determination of Effect
4700 Fillmore Street	1946	<i>Treat as eligible</i>	No Adverse Effect
4690 Fillmore Street	1946	<i>Treat as eligible</i>	No Adverse Effect
4680 Fillmore Street	1946	<i>Treat as eligible</i>	No Adverse Effect
4675 Milwaukee Street	1954	<i>Treat as eligible</i>	No Adverse Effect
4685 Milwaukee Street	1954	<i>Treat as eligible</i>	No Adverse Effect
4695 Milwaukee Street	1954	<i>Treat as eligible</i>	No Adverse Effect
1912/1917 E. 47 th Avenue	1886	<i>Treat as eligible</i>	No Adverse Effect
4690 High Street	1886	<i>Treat as eligible</i>	No Adverse Effect
4678 High Street	1886	<i>Treat as eligible</i>	No Adverse Effect
4681 Race Street	1886	<i>Treat as eligible</i>	No Adverse Effect
2000 E. 47 th Avenue	1903	<i>Treat as eligible</i>	No Adverse Effect
4684 Race Street	1902	<i>Treat as eligible</i>	No Adverse Effect
4691 Vine Street	1922	<i>Treat as eligible</i>	No Adverse Effect
4688 Vine Street	1907	<i>Treat as eligible</i>	No Adverse Effect

Updated FEIS Effects Determinations

Burlington Ditch/ O'Brien Canal (5AM465.9):

- **No-Action Alternative**
 - **No-Action Alternative, North Option:** As part of the stormwater outfall structure into the South Platte River, a 24-inch plastic pipe within a steel casing would be placed over a portion of the Burlington Ditch/ O'Brien Canal measuring approximately 50 feet, where it would drop down and outlet into the Platte River via a manhole/ vault located within the South Platte River. Should the stormwater pump system fail, the detention pond would fill until the emergency overflow level, at which point storm flows would then flow out of the pond through a 72-inch pipe and outlet into the Burlington Ditch. In order to construct these elements, a 52-foot permanent easement will be placed over the centerline of the pipe and acquired from the ditch company. These alterations would be in a location where the ditch has been recently altered by a concrete channel that was constructed after the period of significance, which dates from 1886 to 1909. It is considered a non-historic alteration to the resource. The ditch/ canal already has multiple crossings over it, and the addition of another pipe in an already impacted area would not diminish the integrity of the resource or its ability to convey significance under Criterion A. Therefore, CDOT concludes the No-Action Alternative, North Option would result in a determination of **No Adverse Effect** for the Burlington Ditch/ O'Brien Canal.
 - **No-Action Alternative, South Option:** This option would have a similar effect as the No-Action Alternative, North Option, therefore, CDOT concludes the No-Action Alternative, South Option would result in a determination of **No Adverse Effect** for this resource.
- **Revised Viaduct Alternative**
 - **Revised Viaduct Alternative, North Option:** As part of the stormwater outfall structure into the South Platte River, a pipe would be placed over a 50-foot portion of the Burlington Ditch/ O'Brien Canal. In order to construct the pipe and outfall system, a permanent easement measuring 52 feet will be acquired over the centerline of the pipe. This pipe would be in a location where the ditch has been recently altered by a concrete channel that was constructed after the period of significance, which dates from 1886 to 1909. It is considered a non-historic alteration to the resource. The ditch/ canal already has multiple crossings over it, and the addition of another pipe in an already impacted area would not diminish the integrity of the resource or its ability to convey significance under Criterion A. Therefore, CDOT concludes the Revised Viaduct Alternative, North Option would result in a determination of **No Adverse Effect** for the Burlington Ditch/ O'Brien Canal.
 - **Revised Viaduct Alternative, South Option:** This option would have a similar effect as the Revised Viaduct Alternative, North Option. Therefore, CDOT concludes the Revised Viaduct Alternative, South Option would result in a determination of **No Adverse Effect** for this resource.
- **Partial Cover Lowered Alternative:** As part of the stormwater outfall structure into the South Platte River, a pipe would be placed over a 50-foot portion of the Burlington Ditch/ O'Brien Canal. In order to construct the pipe and outfall system, a permanent easement measuring 52 feet will be acquired over the centerline of the pipe. This pipe would be in a location where the ditch has been recently altered by a concrete channel that was constructed after the period of significance, which dates from 1886 to 1909. It is considered a non-historic alteration to the resource. The ditch/ canal already has multiple crossings over it, and the

addition of another pipe in an already impacted area would not diminish the integrity of the resource or its ability to convey significance under Criterion A. Therefore, CDOT concludes the Partial Cover Lowered Alternative would result in a determination of **No Adverse Effect** for the Burlington Ditch/ O'Brien Canal.

Market Street Railroad/ Chicago, Burlington & Quincy Railroad (5AM1298):

- **No-Action Alternative**
 - **No-Action Alternative, North Option:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **No Adverse Effect**.
 - **No-Action Alternative, South Option:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **No Adverse Effect**.
- **Revised Viaduct Alternative**
 - **Revised Viaduct Alternative, North Option:** There would be a temporary easement measuring 295 feet on the railroad grade associated with the Revised Viaduct Alternative, North Option. This option would reconstruct the railroad tracks in place and would add railroad-crossing panels, which would create a temporary effect to the railroad. The undertaking would involve replacement of the existing elevated I-70 viaduct with another elevated and wider viaduct, which would require replacing the bridge that now crosses the railroad between Steele Street/ Vasquez Boulevard and Colorado Boulevard. Construction of the wider bridge, installation of railroad crossing panels, replacement of railroad track along the existing alignment, and the additional temporary easement would not change or modify any of the character-defining features, including the alignment and elevation of the railroad. The track would be replaced along the historic alignment and within the historic right-of-way (ROW). The tracks, rail ties, and track bedding have already been regularly updated and are not original. A six-foot diameter storm drain pipe also would be bored beneath the railroad, which may cause minor track bed impacts. At this time, it is anticipated that permanent easements would not be required to facilitate construction or maintenance of the storm drain pipe and that the bore locations would be outside the historic ROW.

The setting would be affected by the replacement of the viaduct; however, the area has already been modified outside the period of significance with the alteration of surrounding land use for various industries and residential development. Although the integrity of setting may be impacted by the removal and replacement of the existing viaduct, the integrity of design and association would remain. These aspects of integrity are crucial to convey the railroad's significance under Criterion A. Therefore, CDOT has determined that the Revised Viaduct Alternative, North Option would result in a finding of **No Adverse Effect** to the entire linear resource.
 - **Revised Viaduct Alternative, South Option:** This option would have a similar effect as the Revised Viaduct Alternative, North Option, however, a temporary construction easement measuring 335 feet would be required from the railroad. Because the alternative would result in similar effects and would not effect the integrity of design and association, which are crucial to convey the railroad's significance under Criterion A, CDOT has determined that the Revised Viaduct Alternative, South Option would result in a finding of **No Adverse Effect**

- **Partial Cover Lowered Alternative:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **Adverse Effect**.

Union Pacific Railroad (5DV6248):

- **No-Action Alternative**
 - **No-Action Alternative, North Option:** For the No-Action Alternative, North Option, the existing Union Pacific Railroad Bridge (E-17-Z) over East 46th Avenue would remain in place. Reconstruction of the viaduct above the Union Pacific Railroad Bridge would require a construction easement of approximately 210 feet. The proposed work, however, would not change or modify the current appearance of the railroad grade or any of the character-defining features, including the alignment or elevation. The replacement of the viaduct would change the setting of the railroad. However, the area surrounding the resource has already been modified outside of the period of significance with the alteration of surrounding land use for various industries and residential development. Although the integrity of the setting may be impacted, the integrity of design and association would remain and the proposed work would not impact the ability of the railroad to convey significance under Criterion A. Therefore, CDOT has determined that the No-Action Alternative, North Option would have **No Adverse Effect** on the Union Pacific Railroad.
 - **No-Action Alternative, South Option:** This option would have a similar effect as the No-Action Alternative, North Option. Therefore, CDOT concluded that the No-Action Alternative, South Option would also result in a determination of **No Adverse Effect** for this resource.
- **Revised Viaduct Alternative**
 - **Revised Viaduct Alternative, North Option:** The Revised Viaduct Alternative, North Option would require a similar construction easement as the No-Action Alternative, North and South Options. The construction easement under the Revised Viaduct Alternatives, however, would measure 300 feet. In addition to the viaduct construction, a 4-foot by 10-foot storm drain would be bored beneath the tracks at Claude Court, which will have no track bed impacts. The bore locations will be outside historic ROW. The acquisition of the temporary construction easement, and the storm drain bore beneath the tracks would not diminish any integrity of materials or workmanship, as those aspects have already been impacted in the area through routine and continued maintenance. The replacement of the viaduct would change the setting of the railroad. However, the area surrounding the resource has already been modified outside of the period of significance with the alteration of surrounding land use for various industries and residential development. Although the integrity of the setting may be impacted, the integrity of design and association would remain, and the proposed work would not impact the ability of the railroad to convey significance under Criterion A. Therefore, CDOT has determined that the Revised Viaduct Alternative, North Option would have **No Adverse Effect** for this resource.
 - **Revised Viaduct Alternative, South Option:** This option would have a similar effect as the Revised Viaduct Alternative, North Option and would also require a 300-foot temporary easement from the railroad. The effects are similar to those described under the Revised Viaduct Alternative, North Option and the proposed work would not impact the ability of the railroad to convey significance under Criterion A. Therefore, CDOT concluded that the Raised Viaduct Alternative, South Option would result in a determination of **No Adverse Effect** for this resource.

- **Partial Cover Lowered Alternative:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **Adverse Effect.**

Univar (5DV9231):

- **No-Action Alternative**
 - **No-Action Alternative, North Option:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **No Historic Properties Affected.**
 - **No-Action Alternative, South Option:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **No Historic Properties Affected.**

- **Revised Viaduct Alternative**

- **Revised Viaduct Alternative, North Option:** There would be a permanent ROW acquisition of 0.03 acres from the northwest and northeast corners of the Univar property associated with the Revised Viaduct Alternative, North Option. The acquisition would impact a portion of the parking lot along the northern edge of the property to allow construction access for the planned improvements to I-70. The affected area is paved and utilized as a parking lot. Acquisition in this area will not affect the historic building or diminish the features of the property causing it to be eligible to the NRHP.

The Revised Viaduct Alternative, North Option would result in indirect effects in the form of noise, visual, and historic setting changes to this resource. This commercial property may experience a small increase in traffic noise over time due to the widening of I-70 and the added capacity, although a detailed noise analysis of commercial areas was not performed as part of the noise study to verify this assumption. The building retains integrity of design, workmanship, and materials needed to be eligible under Criterion C, so the construction of the revised viaduct or other visual changes, including the closer proximity of the viaduct to the resource and acquisition of a small amount of the property from the corners of the property that have already been paved, would not affect the features that qualify the resource for inclusion in the National Register of Historic Places (NRHP). Therefore, CDOT has determined that the Revised Viaduct Alternative, North Option would result in a determination of **No Adverse Effect** to the resource.

- **Revised Viaduct Alternative, South Option:** This option would have a similar effect as the Revised Viaduct Alternative, North Option, including the permanent ROW acquisition of 0.03 acres from the northwest and northeast corners of the property. Therefore, CDOT has concluded that the Revised Viaduct Alternative, South Option would result in a finding of **No Adverse Effect** for this resource.
- **Partial Cover Lowered Alternative:** There would be permanent ROW acquisition of 0.03 acres from the northwest and northeast corners of the Univar property associated with the Partial Cover Lower Alternative. The acquisition would result in a permanent impact to a portion of the parking lot along the northeastern and northwestern edges of the property to allow construction access for the planned improvements to I-70. The affected area is paved and utilized as a parking lot. Acquisition in this area will not affect the historic building or diminish the features of the property causing it to be eligible to the NRHP.

The Partial Cover Lowered Alternative would result in indirect effects in the form of noise, visual, and historic setting changes to this resource as a result of the lowered highway. This commercial property may experience a small increase in traffic noise over time due to the widening of I-70 and added capacity, although a detailed noise analysis of commercial areas was not performed as part of the noise study to verify this assumption. The building retains integrity of design, workmanship, and materials needed to be eligible under Criterion C, so the construction of the lowered highway or other visual changes, and the acquisition of a small portion from the corners of the property would not affect the features that qualify the resource for inclusion in the NRHP. Therefore, CDOT has determined that the Partial Cover Lowered Alternative would result in a finding of **No Adverse Effect** for the resource.

Safeway Historic District (5DV9232):

- **No-Action Alternative**
 - **No-Action Alternative, North Option:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **No Historic Properties Affected.**
 - **No-Action Alternative, South Option:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **No Historic Properties Affected.**
- **Revised Viaduct Alternative**
 - **Revised Viaduct Alternative, North Option:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **No Adverse Effect.**
 - **Revised Viaduct Alternative, South Option:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **No Adverse Effect.**
- **Partial Cover Lowered Alternative:** There would be a partial ROW acquisition of 2.1 acres associated with the Partial Cover Lowered Alternative. The land impacted by this ROW acquisition consists of the northern edge of the parking lot, the Transport Control Facility (5DV10395), and a small rectangular building on the northeast edge of the district that was officially determined to not contribute to the eligibility of the Safeway Distribution Center Historic District.

There would also be visual and historic setting changes in the area as a result of this alternative. These constitute indirect effects to the district, but do not diminish character-defining features, contributing features, or the integrity of location, materials, workmanship, design, feeling, or association integral to the significance of the district under Criteria A and C. The removal of the Transport Control Facility, a non-contributing feature within the district, would not adversely impact the historic district. Therefore, CDOT has determined that the Partial Covered Lowered Alternative would result in a finding of **No Adverse Effect** to the Safeway Distribution Center Historic District.

Sanchez Business (5DV9655):

- **No-Action Alternative**
 - **No-Action Alternative, North Option:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **Adverse Effect.**
 - **No-Action Alternative, South Option:** This property is located on the north side of I-70 and there would be no temporary or permanent easements or ROW acquisitions

as a result of this option. Currently, the interstate is immediately adjacent to this property; under the No-Action Alternative, South Option, the highway would be 21 feet from the resource. The existing viaduct is 24 feet tall, and under this alternative, the viaduct would be 28 feet tall.

This option includes potential indirect effects, including visual changes to the setting and increases in noise. Noise modeling for this alternative identified the need for noise mitigation in the form of noise walls to help offset increased noise levels. However, construction of noise walls, which will be placed on the edge of the viaduct (21 feet from the resource), does introduce a new modern element into the setting of the resource. The modification of the viaduct proposed under this alternative also represents a greater visual presence in the setting of the resource.

Though the proposed alteration of the viaduct and the construction of the proposed noise walls under this alternative represent a change in the setting of the resource and a larger visual intrusion, their construction would not diminish the ability of the resource to convey its significance, since these setting elements would not change the existing feature of the resource that qualify it for inclusion on the NRHP. Previously, it was communicated that an easement would be required from this property in order to construct this alternative. As the plans have progressed, it was determined that an easement is no longer necessary. The current plans will preserve the existing spatial relationship between the infrastructure and the resource boundary and have minimized the impacts to the resource from what was consulted on in March 2015. Because the impacts are minimized and the resource will no longer be subject to any easements, CDOT concluded that the No-Action Alternative, South Option would result in a determination of **No Adverse Effect** for this resource.

- **Revised Viaduct Alternative**
 - **Revised Viaduct Alternative, North Option:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **Adverse Effect**.
 - **Revised Viaduct Alternative, South Option:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **No Adverse Effect**.
- **Partial Cover Lowered Alternative:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **Adverse Effect**.

Stop-N-Shop (5DV9801):

- **No-Action Alternative**
 - **No-Action Alternative, North Option:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **Adverse Effect**.
 - **No-Action Alternative, South Option:** This property is located on the north side of I-70 and there would be no temporary or permanent easements or ROW acquisitions as a result of this option. Currently, the interstate is immediately adjacent to this property; under the No-Action Alternative, South Option, the highway would be 21 feet from the resource. The existing viaduct is 24 feet tall, and under this alternative, the viaduct would be 28 feet tall.

This option includes potential indirect effects, including visual changes to the setting and increases in noise. Noise modeling for this alternative identified the need for noise mitigation in the form of noise walls to help offset increased noise levels. However, construction of noise walls, which will be placed on the edge of the viaduct (21 feet from the resource), does introduce a new modern element into the setting of the resource. The modification of the viaduct proposed under this alternative also represents a greater visual presence in the setting of the resource.

Though the proposed alteration of the viaduct and the construction of the proposed noise walls under this alternative represent a change in the setting of the resource and a larger visual intrusion, their construction would not diminish the ability of the resource to convey its significance, since these setting elements would not change the existing feature of the resource that qualify it for inclusion on the NRHP. Previously, it was communicated that an easement would be required from this property in order to construct this alternative. As the plans have progressed, it was determined that an easement is no longer necessary. The current plans will preserve the existing spatial relationship between the infrastructure and the resource boundary and have minimized the impacts to the resource from what was consulted on in March 2015. Because the impacts are minimized and the resource will no longer be subject to any easements, CDOT concluded that the No-Action Alternative, South Option would result in a determination of **No Adverse Effect** for this resource.

- **Revised Viaduct Alternative**
 - **Revised Viaduct Alternative, North Option:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **Adverse Effect**.
 - **Revised Viaduct Alternative, South Option:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **No Adverse Effect**.
- **Partial Cover Lowered Alternative:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **Adverse Effect**.

National Western Historic District (5DV10050):

- **No-Action Alternative**
 - **No-Action Alternative, North Option:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **No Historic Properties Affected**.
 - **No-Action Alternative, South Option:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **No Historic Properties Affected**.
- **Revised Viaduct Alternative**
 - **Revised Viaduct Alternative, North Option:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **No Adverse Effect**.
 - **Revised Viaduct Alternative, South Option:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **No Adverse Effect**.

- **Partial Cover Lowered Alternative:** Under this alternative, I-70 would be restriped through the historic district to add one general-purpose lane or two managed lanes in each direction to add capacity. The lowering of I-70 would begin east of Brighton Boulevard, approximately 360 feet east of the eastern edge of the historic district. The interstate reconstruction work would not impact the National Western Historic District directly because it would take place 360 feet from the historic district.

A stormwater outfall pipe would be installed south of I-70, which would be built south of the Denver Coliseum (5DV9162 [5DV9282]) underneath the parking lot between the Denver Coliseum and the South Platte River. This would require an easement of approximately 2.8 acres that would be located within the Denver Coliseum parking lot. The outfall system would result in the placement of a new stormwater pipe underneath the pavement, which is not original and has been re-paved as needed throughout the years. This would not change or modify the current appearance of the historic district or its contributing features.

The Partial Cover Lowered Alternative would result in a small increase in traffic noise over time within the district due to capacity increase and shifting of the lanes, although detailed noise analysis of commercial areas was not performed as part of the noise study. Although the stormwater drain and restriping of I-70 within the historic district boundaries constitute an effect, they would not alter the character-defining features or the ability of the district to convey significance to the NRHP under Criteria A or C. The district would still retain its association with the commercial, economic, and social historic of Colorado and the diverse building styles and types would remain unaltered. Therefore, CDOT concludes the Partial Cover Lowered Alternative would result in a determination of **No Adverse Effect** for this resource.

Colonial Motel (5DV7130):

- **No-Action Alternative**
 - **No-Action Alternative, North Option:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **Adverse Effect**.
 - **No-Action Alternative, South Option:** This property is located on the north side of I-70 and there would be no temporary or permanent easements or ROW acquisitions as a result of this option. Currently, the interstate is immediately adjacent to this property; under the No-Action Alternative, South Option, the highway would be 5.5 feet from the resource. The existing viaduct is 24 feet tall, and under this alternative, the viaduct would be 28 feet tall under this alternative.

This option includes potential indirect effects, including visual changes to the setting and increases in noise. Noise modeling for this alternative identified the need for noise mitigation in the form of noise walls to help offset increased noise levels. However, construction of noise walls, which will be placed on the edge of the viaduct (21 feet from the resource), does introduce a new modern element into the setting of the resource. The modification of the viaduct proposed under this alternative also represents a greater visual presence in the setting of the resource.

Though the proposed alteration of the viaduct and the construction of the proposed noise walls under this alternative represent a change in the setting of the resource and a larger visual intrusion, their construction would not diminish the ability of the resource to convey its significance, since these setting elements would not change the existing feature of the resource that qualify it for inclusion on the NRHP. Previously, it was communicated that an easement would be required from this property in order

to construct this alternative. As the plans have progressed, it was determined that an easement is no longer necessary. The current plans will preserve the existing spatial relationship between the infrastructure and the resource boundary and have minimized the impacts to the resource from what was consulted on in March 2015. Because the impacts are minimized and the resource will no longer be subject to any easements, CDOT concluded that the No-Action Alternative, South Option would result in a determination of **No Adverse Effect** for this resource.

- **Revised Viaduct Alternative**
 - **Revised Viaduct Alternative, North Option:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **Adverse Effect**.
 - **Revised Viaduct Alternative, South Option:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **No Adverse Effect**.
- **Partial Cover Lowered Alternative:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **Adverse Effect**.

Portales Residence (5DV9746):

- **No-Action Alternative**
 - **No-Action Alternative, North Option:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **Adverse Effect**.
 - **No-Action Alternative, South Option:** This property is located on the north side of I-70 and there would be no temporary or permanent easements, or ROW acquisitions, as a result of this option. Currently, the interstate is immediately adjacent to this property; under the No-Action Alternative, South Option, the highway would be 21 feet from the resource. The existing viaduct is 24 feet tall, and under this alternative, the viaduct would be 28 feet tall.

This option includes potential indirect effects, including visual changes to the setting and increases in noise. Noise modeling for this alternative identified the need for noise mitigation in the form of noise walls to help offset increased noise levels. However, construction of noise walls, which will be placed on the edge of the viaduct (21 feet from the resource), does introduce a new modern element into the setting of the resource. The modification of the viaduct proposed under this alternative also represents a greater visual presence in the setting of the resource.

Though the proposed alteration of the viaduct and the construction of the proposed noise walls under this alternative represent a change in the setting of the resource and a larger visual intrusion, their construction would not diminish the ability of the resource to convey its significance, since these setting elements would not change the existing feature of the resource that qualify it for inclusion on the NRHP. Previously, it was communicated that an easement would be required from this property in order to construct this alternative. As the plans have progressed, it was determined that an easement is no longer necessary. The current plans will preserve the existing spatial relationship between the infrastructure and the resource boundary, and have minimized the impacts to the resource from what was consulted on in March 2015. Because the impacts are minimized and the resource will no longer be subject to any

easements, CDOT concluded that the No-Action Alternative, South Option would result in a determination of **No Adverse Effect** for this resource.

- **Revised Viaduct Alternative**
 - **Revised Viaduct Alternative, North Option:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **Adverse Effect**.
 - **Revised Viaduct Alternative, South Option:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **No Adverse Effect**.
- **Partial Cover Lowered Alternative:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **Adverse Effect**.

Wessel District (SDV10126):

- **No-Action Alternative**
 - **No-Action Alternative, North Option:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **Adverse Effect**.
 - **No-Action Alternative, South Option:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **No Adverse Effect**.
- **Revised Viaduct Alternative**
 - **Revised Viaduct Alternative, North Option:** The effect will remain the same as communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- **Adverse Effect**.
 - **Revised Viaduct Alternative, South Option:** The effect will remain the same as those communicated in the March 2015 Section 106 Effects Report and concurred with by your office on April 27, 2015- *adverse effect*. However, more information regarding the amount of ROW that will be acquired from the two contributing properties are now known. The proposed Revised Viaduct Alternative, South Option would require the acquisition of 0.2 acres of the historic district into the I-70 corridor, with 0.03 acres coming from the Warren residence (SDV9726), 0.002 acres from the Griffie residence (SDV9727), and the remaining from non-contributing properties. While this option permanently incorporates a small portion of contributing properties into the transportation facility, it will not demolish any contributing buildings. Nevertheless, because the acquisitions from the two contributing resources may impact fences and vegetation, CDOT has determined that the Revised Viaduct Alternative, South Option would result in an **Adverse Effect** to the Alfred R. Wessel Historic District.
- **Partial Cover Lowered Alternative:** Under the Partial Cover Lowered Alternative, the alignment of the westbound 46th Avenue lanes will pass through the southwestern boundary of the historic district. This alternative will result in the acquisition of 2.02 acres from the historic district and demolition of nine (9) contributing properties. Because the demolition of these contributing resources would diminish the integrity of design, materials, and workmanship, and the ability of the district to convey significance under Criteria A and C, the Partial Cover Lowered Alternative would result in an **Adverse Effect** to the historic district.

Notification of Section 4(f) *De Minimis* Determination

The finding of *no adverse effect* outlined for the above resources, as well as those concurred on by your office via correspondence dated September 23, 2014, April 27, 2015, May 7, 2015, June 2, 2015, and June 15, 2015 under Section 106 reflects a conclusion that for the Section 4(f) historic site affected by the project, those effects will not “alter, directly or indirectly, any of the characteristics of [the] historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association” as described in 36 CFR § 800.5(a)(1). Based on this finding, FHWA intends to make a *de minimis* finding for the Section 4(f) requirements for those historic resources. A table depicting the Section 4(f) resources and their use determinations is included below, with resources subject to a *de minimis* use highlighted in green and a full use under Section 4(f) highlighted in yellow, which will result in individual Section 4(f) evaluations.

Section 4(f) properties and use determinations

Property Name and Address	No-Action Alternative		Revised Viaduct Alternative		Partial Cover Lowered Alternative (Preferred Alternative)
	North Option	South Option	North Option	South Option	
Riverside Cemetery 5201 Brighton Boulevard (5AM125)	No Use	No Use	No Use	No Use	No Use
York Street/East 40th Avenue Brick Sanitary Sewer (5DV11283)	No Use	No Use	No Use	No Use	Use
Delgany Common Interceptor Sewer (5DV4725.5)	No Use	No Use	No Use	No Use	No Use
Burlington Ditch/ O'Brien Canal (5AM465.9)	<i>De minimis</i>	<i>De minimis</i>	<i>De minimis</i>	<i>De minimis</i>	<i>De minimis</i>
Market Street RR/ Chicago Burlington & Quincy Railroad Segment (5AM1298.2)	<i>De minimis</i>	<i>De minimis</i>	<i>De minimis</i>	<i>De minimis</i>	Use
Union Pacific Beltline RR Segment (5AM2083.1)	No Use	No Use	<i>De minimis</i>	<i>De minimis</i>	<i>De minimis</i>
Burlington and Colorado/Chicago, Burlington, and Quincy Railroad Segment (5DV6247.3)	No Use	No Use	No Use	No Use	No Use
Union Pacific Railroad Segment (5DV6248.4)	<i>De minimis</i>	<i>De minimis</i>	<i>De minimis</i>	<i>De minimis</i>	Use
Rocky Mountain Arsenal Railroad Segment (5DV7048.2)	No Use	No Use	Use	Use	Use
Hovan/Plazola Residence 4673 Josephine Street (5DV1172)	No Use	No Use	No Use	No Use	No Use

Section 4(f) properties and use determinations

Property Name and Address	No-Action Alternative		Revised Viaduct Alternative		Partial Cover Lowered Alternative (Preferred Alternative)
	North Option	South Option	North Option	South Option	
Kosik Residence 4681-4683 Baldwin Court (5DV1247)	No Use	No Use	No Use	No Use	No Use
Miranda Residence 4632 Josephine Street (5DV5677)	No Use	No Use	No Use	No Use	No Use
Colonial Manor Tourist Court 2615 East 46th Avenue (5DV7130)	Use	No Use	Use	No Use	Use
Tri-R Recycling 3600 East 48th Avenue (5DV9227)	No Use	No Use	No Use	No Use	No Use
Univar 4300 Holly Street (5DV9231)	No Use	No Use	<i>De minimis</i>	<i>De minimis</i>	<i>De minimis</i>
Safeway Distribution Center Historic District (5DV9232)	No Use	No Use	<i>De minimis</i>	<i>De minimis</i>	<i>De minimis</i>
Ralston Purina Plant/Nestle Purina PetCare Company 2151 East 45th Avenue (5DV9245)	No Use	Use	No Use	Use	No Use
Sanchez Business 2381 East 46th Avenue (5DV9655)	Use	No Use	Use	No Use	Use
Stop-N-Shop Food Store 4600 York Street (5DV9801)	Use	No Use	Use	No Use	Use
Torres Residence 4656 Baldwin Court (5DV9660)	No Use	No Use	No Use	No Use	No Use
Brown and Alarid Residence 4637 Claude Court (5DV9667)	No Use	No Use	No Use	No Use	Use
Toth/Kelly Residence 4639 Claude Court (5DV9668)	No Use	No Use	No Use	No Use	Use
Rodriguez Residence 4539 Clayton Street (5DV9678)	No Use	No Use	No Use	Use	No Use
4541 Clayton LLC Residence 4541 Clayton Street (5DV9679)	No Use	No Use	No Use	Use	No Use

Section 4(f) properties and use determinations

Property Name and Address	No-Action Alternative		Revised Viaduct Alternative		Partial Cover Lowered Alternative (Preferred Alternative)
	North Option	South Option	North Option	South Option	
Castorena/Braswell Residence 4631 Columbine Street (5DV9705)	No Use	No Use	No Use	No Use	No Use
Pavon Residence 4633 Columbine Street (5DV9706)	No Use	No Use	No Use	No Use	No Use
Olive Street LLC Property 4503 Fillmore Street (5DV9714)	No Use	No Use	No Use	No Use	No Use
Rudy/Bernal Residence 4618 High Street (5DV9735)	Use	No Use	Use	Use	Use
Langenberg Residence 4502 Josephine Street (5DV9742)	No Use	No Use	No Use	No Use	No Use
Chavez Residence 4628 Josephine Street (5DV9748)	No Use	No Use	No Use	No Use	No Use
Waggoner Residence 4647 Josephine Street (5DV9751)	No Use	No Use	No Use	No Use	No Use
James Residence 4651 Josephine Street (5DV9753)	No Use	No Use	No Use	No Use	No Use
Krutzler/Barajas Residence 4681 Josephine Street (5DV9761)	No Use	No Use	No Use	No Use	No Use
Geo Trust/Araujo Residence 4682 Josephine Street (5DV9762)	No Use	No Use	No Use	No Use	No Use
Lovato Residence 4696 Josephine Street (5DV5623/5DV9765)	No Use	No Use	No Use	No Use	No Use
Garcia Residence 4617-4625 Race Street (5DV9780)	Use	No Use	Use	Use	Use
Kenworthy/Wyckoff Residence 4529 Josephine Street (5DV9745)	No Use	No Use	No Use	Use	No Use
Portales Residence 4608 Josephine Street (5DV9746)	Use	No Use	Use	No Use	Use

Section 4(f) properties and use determinations

Property Name and Address	No-Action Alternative		Revised Viaduct Alternative		Partial Cover Lowered Alternative (Preferred Alternative)
	North Option	South Option	North Option	South Option	
Portales Residence/ Windsor Artesian Water Company 4623-4625 Thompson Court (5DV9787)	No Use	No Use	No Use	No Use	No Use
Adams Clock LLC/Mann Residence 4645 Williams Street (5DV9795)	No Use	No Use	No Use	No Use	No Use
E.G. Trading Post 1630-1632 East 47th Avenue (5DV9805)	No Use	No Use	No Use	No Use	No Use
Miller Residence 4675 Williams Street (5DV9823)	No Use	No Use	No Use	No Use	No Use
Herzberg Property 4665-4669 Williams Street (5DV9828)	No Use	No Use	No Use	No Use	No Use
Yoshimura Residence 4450 Adams Street (5DV9966)	No Use	No Use	No Use	No Use	No Use
McGee Residence 4460 Adams Street (5DV9968)	No Use	No Use	No Use	No Use	No Use
General Motors Corporation-Goalie Construction Business 4715 Colorado Boulevard (5DV9988)	No Use	No Use	No Use	No Use	No Use
4800 Colorado LLC/United States Rubber Company. 4800 Colorado Boulevard (5DV9989)	No Use	No Use	No Use	No Use	No Use
Gonzales Residence 4515 Columbine Street (5DV9994)	No Use	No Use	No Use	No Use	No Use
Tomas/Eagan Residence 4653 Columbine Street (5DV9996)	No Use	No Use	No Use	No Use	No Use
Vasquez Residence 4450 Cook Street (5DV10003)	No Use	No Use	No Use	No Use	No Use
Guerca/Perez Residence 4446 Fillmore Street (5D10013)	No Use	No Use	No Use	No Use	No Use

Section 4(f) properties and use determinations

Property Name and Address	No-Action Alternative		Revised Viaduct Alternative		Partial Cover Lowered Alternative (Preferred Alternative)
	North Option	South Option	North Option	South Option	
Tenenbaum Residence 4453 Fillmore Street (5DV10014)	No Use	No Use	No Use	No Use	No Use
Ponce Residence 4668 High Street (5DV10034)	No Use	No Use	No Use	No Use	No Use
Garcia Residence 4695 High Street (5DV10040)	No Use	No Use	No Use	No Use	No Use
Core Power Construction/Buckley JD Inc.-Buckley Explosives of Wyoming 4701 Jackson Street (5DV10047)	No Use	No Use	No Use	No Use	No Use
Huffman Residence 4707 Josephine Street (5DV10058)	No Use	No Use	No Use	No Use	No Use
Lopez/Hartzell Residence 4461 Milwaukee Street (5DV10065)	No Use	No Use	No Use	No Use	No Use
Allen Investment Group, Inc./ Kretschmar Residence 4662-4664 Williams Street (5DV10085)	No Use	No Use	No Use	No Use	No Use
Clay II LLC/Rosthan Residence 4459 Thompson Court (5DV10124)	No Use	No Use	No Use	No Use	No Use
Alfred R. Wessel Historic District (5DV10126)	Use	No Use	Use	Use	Use
Abrams/Loretta Residence 4679 Vine Street (5DV10135)	No Use	No Use	No Use	No Use	No Use
National Western Historic District (5DV10050)	No Use	No Use	No Use	No Use	<i>De minimis</i>
Banker's Warehouse Co. (5DV11720)	No Use	No Use	No Use	No Use	<i>De minimis</i>
High Line Canal (5AM261.2)	No Use	No Use	No Use	No Use	No Use
Globeville Historic District (5DV1961)	No Use	No Use	No Use	No Use	No Use
Garden Place Historic District (5DV1960)	No Use	No Use	No Use	No Use	No Use

Mr. Nichols
September 2, 2015
Page | 18

We request your concurrence with the expanded APE, updated Determinations of Effects outlined above, and acknowledgement of the *de minimis* notifications. If you require additional information, please contact CDOT Region 1 Senior Historian Ashley L. Bushey at (303) 757-9397 or ashley.bushey@state.co.us.

Sincerely,



rs Charles Attardo
Region 1 Planning and Environmental Manager

CC:

Ashley L. Bushey, CDOT Region 1 Senior Historian
Vanessa Henderson, CDOT I70 East NEPA Manager
Carrie Wallis, I-70 East Project Manager (Atkins)

Attachments: APE Map



September 8, 2015

Charles Attardo
Region 1 Planning and Environmental Manager
Colorado Department of Transportation, Region 1
2000 South Holly Street
Denver, CO 80222

Re: APE Update, Updated Effect Determinations and *De Minimis* Notification, Interstate 70 (I-70)
East Corridor Final Environmental Impact Statement Reevaluation, Denver County and Adams
County (CHS #41831)

Dear Mr. Attardo:

Thank you for your correspondence dated September 2, 2015 and received on September 3, 2015 by our office regarding the consultation of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106).

After review of the provided information, we do not object to the revision for the proposed Area of Potential Effects (APE). After review of the provided information, we concur that the following resources are eligible for the National Register of Historic Places for the purposes of Section 106.

- | | | |
|------------------------|---------------------------------|-----------------------------------|
| • 4700 Fillmore Street | • 4695 Milwaukee | • 2000 E. 47 th Avenue |
| • 4690 Fillmore Street | Street | • 4684 Race Street |
| • 4680 Fillmore Street | • 1812/1917 E. 47 th | • 4691 Vine Street |
| • 4675 Fillmore Street | Avenue | • 4688 Vine Street |
| • 4685 Milwaukee | • 4690 High Street | |
| Street | • 4678 High Street | |
| | • 4681 Race Street | |

After review of the revised scope of work, we concur with the recommended findings of effects under each alternative described in your report letter for resources:

- 5AM.465.9
- 5AM.1298
- 5DV.6248
- 5DV.7130
- 5DV.9231
- 5DV.9232
- 5DV.9655
- 5DV.9746
- 5DV.9801
- 5DV.10050
- 5DV.10126

We acknowledge that FHWA intends to make a *de minimis* determination in respect to the requirements of Section 4(f) for those resources in which effects determinations of *no adverse effect* [36 CFR 800.5(d)(1)] and *no historic properties affected* [36 CFR 800.4(d)(1)] are appropriate.

If unidentified archaeological resources are discovered during construction, work must be interrupted until the resources have been evaluated in terms of the National Register criteria, 36 CFR 60.4, in consultation with this office.

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings.

Please note that our compliance letter does not end the 30-day review period provided to other consulting parties. If we may be of further assistance, please contact Jennifer Bryant, our Section 106 Compliance Manager, at (303) 866-2673.

Sincerely,



Edward C. Nichols
State Historic Preservation Officer



COLORADO
Department of Transportation
Region 1

Planning & Environmental
2000 South Holly Street,
Denver, CO 80222-4818

September 15, 2015

Mr. Edward C. Nichols
State Historic Preservation Officer
History Colorado
1200 Broadway
Denver, CO 80203

SUBJECT: Modified Section 106 Determinations of Effect and Section 4(f) notifications,
Interstate 70 (I-70) East Corridor Final Environmental Impact Statement Re-
evaluation, Denver County and Adams County (CHS #41831)

Dear Mr. Nichols:

This letter constitutes a request for concurrence with modified determinations of effect for the Interstate 70 (I-70) East Corridor Final Environmental Impact Statement (FEIS). Due to tight internal timelines, we are requesting completion of your review of this submission by **Wednesday September 30, 2015**. This is a shorter time-frame than the typical 30-day consultation period, and your quick review is much appreciated.

In a correspondence dated September 2, 2015, CDOT communicated that approximately ninety (90) eligible historic properties located between Brighton Boulevard to the west, Colorado Boulevard to the east, E. 45th Avenue to the south, and E. 47th Avenue on the north are subject to Environment Justice mitigation against noise and dust impacts created by construction activities. That correspondence indicated that residents in the area would be provided with their choice of two (2) portable or window-mounted air conditioning units.

Additional discussions surrounding Environmental Justice mitigation have added to the scope of this mitigation activity to include the installation of interior storm windows in addition to the aforementioned air conditioning units. Storm windows are a reversible treatment option allowing the retention of historic materials while offering the functionality of double glazing. Interior installation minimizes the visual impact of the storm window, and installation causes minimal damage to historic fabric. Installation methods vary and may require limited hardware to accommodate installation.

A contractor and method of installation has yet to be determined, however the selected contractor will be required to identify an installation method that minimizes the hardware necessary for installation and therefore minimizes damage to historic material, including the jamb, frame, sash, sill, and extant glazing to ensure reversibility of the unit. The contractor will be required to minimize the visual impact of the storm window units. Because the installation of interior storm window units retains historic fabric, is reversible, and does not alter or diminish significant architectural features, the work will result in a determination of *no adverse effect* to eligible historic properties in the mitigation area.

Section 4(f): The work described above may result in an application of Section 4(f) exception 23 CFR 774.13(d) by the Federal Highway Administration (FHWA). Exception 23 CFR 774.13(d) is applicable to

temporary occupancies of land that are so minimal as to not constitute a use within the meaning of Section 4(f), based on the following conditions: duration of the work must be temporary; scope of the work must be minor in nature and the magnitude of the changes to the Section 4(f) property; there may be no anticipated permanent adverse physical impacts or interference with the protected activities, features, or attributes of the property; and the property must be returned to a condition which is at least as good as that which existed prior to the project. As the Official with Jurisdiction over historic Section 4(f) properties, written agreement is needed from your office acknowledging that the work described meets these conditions.

We request your concurrence with the effect determinations and application of Section 4(f) exception 23 CFR 774.13(d) outlined above. If you have questions or require additional information to complete your review, please contact Region 1 Senior Historian Ashley L. Bushey at (303) 757-9397 or ashley.bushey@state.co.us.

Sincerely,



 Charles Attardo
Region 1 Planning and Environmental Manager



September 15, 2015

Charles Attardo
Region 1 Planning and Environmental Manager
Colorado Department of Transportation, Region 1
2000 South Holly Street
Denver, CO 80222

Re: Modified Section 106 Determinations of Effect and Section 4(f) notifications, Interstate 70 (I-70) East Corridor Final Environmental Impact Statement Reevaluation, Denver County and Adams County (CHS #41831)

Dear Mr. Attardo:

Thank you for your additional correspondence dated and received by email on September 15, 2015 regarding the review of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106). After review of the provided scope of work related to the proposed Environmental Justice mitigation and assessment of adverse effect, we concur with the finding of *no adverse effect* [36 CFR 800.5(d)(1)] under Section 106 for the addition of portable or window mounted air conditioning units and the installation of interior storm windows provided CDOT sends the final method of installation for the interior storm windows to our office for review and comment prior to installation.

We acknowledge that FHWA intends to apply exception 23 CFR 774.13(d) in respect to the requirements of Section 4(f).

If unidentified archaeological resources are discovered during construction, work must be interrupted until the resources have been evaluated in terms of the National Register criteria, 36 CFR 60.4, in consultation with this office.

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings.

Please note that our compliance letter does not end the 30-day review period provided to other consulting parties. If we may be of further assistance, please contact Jennifer Bryant, our Section 106 Compliance Manager, at (303) 866-2673.

Sincerely,



Edward C. Nichols
State Historic Preservation Officer



STATE OF
COLORADO

Bushey - CDOT, Ashley <ashley.bushey@state.co.us>

RE: CDOT I70E Modified Effects Consultation

1 message

Roxanne Eflin <reflin@coloradopreservation.org>

Tue, Sep 15, 2015 at 12:20 PM

To: "Bushey - CDOT, Ashley" <ashley.bushey@state.co.us>

Colorado Preservation, Inc., is in concurrence with CDOT's determination of no adverse effect for this project.

Roxanne Eflin

Executive Director

Colorado Preservation, Inc.

1420 Ogden St., Suite 104

Denver, CO 80218

303.893.4260, x222 - office

207.229.9465 - mobile

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Help support the initiative to bring a Historic Preservation License Plate to Colorado!

From: Bushey - CDOT, Ashley [mailto:ashley.bushey@state.co.us]

Sent: Tuesday, September 15, 2015 12:07 PM

To: Roxanne Eflin <reflin@coloradopreservation.org>

Subject: CDOT I70E Modified Effects Consultation

Ms. Eflin:

Please find enclosed a consultation letter reflecting modified determinations of Section 106 *effect* for historic properties subject to Environmental Justice mitigation between Brighton Boulevard to the west, Colorado Boulevard to the east, E. 45th Avenue to the south, and E. 47th Avenue on the north. In a letter dated September 2, 2015, CDOT indicated these properties would receive two (2) air conditioning units, either portable interior units or window-mounted units. Further discussion has indicated the addition of interior storm windows, as reflected in the attached correspondence.

Due to tight internal timelines, this submission is communicated in electronic mail. A hard copy will follow by mail. Due to the tight timeline, we are requesting your review by **Wednesday September 30, 2015**. Should your office elect not to comment, please indicate this intent via a reply to this email. Should you have questions or require additional information, please feel free to contact me.

Ashley

Ashley L. Bushey

Senior Historian
Planning & Environmental



COLORADO
Department of Transportation
Region 1

P 303.757.9397 | F 303.757.9036

2000 South Holly Street, Second Floor Denver, CO 80222

ashley.bushey@state.co.us | www.coloradodot.info | www.cotrip.org

<https://www.codot.gov/>



COLORADO
Department of Transportation
Region 1

Planning & Environmental
2000 South Holly Street,
Denver, CO 80222-4818

October 9, 2015

Mr. Steve Turner
State Historic Preservation Officer
Colorado Historical Society
1200 Broadway
Denver, CO 80203

SUBJECT: Updated Effect Determinations and *De Minimis* Notification, Interstate 70 (I-70)
East Corridor Final Environmental Impact Statement Re-evaluation, Denver County
and Adams County (CHS #41831)

Dear Mr. Turner:

This letter and attached materials constitute a request for concurrence on a modified determination of effects for the Interstate 70 (I-70) East Corridor Final Environmental Impact Statement (FEIS) and an acknowledgement of a Section 4(f) *de minimis* notification. Based on tight internal deadlines, we are requesting an expedited review of this submission by **Monday October 19, 2015**.

Updated Effects

Each project alternative will require a drainage easement on the north side of I-70 to accommodate a storm drain. The storm drain will be conveyed beneath Franklin Street to access the South Platte River, crossing under a portion of the north-west corner of the National Western Historic District (5DV10050), as reflected in Figure 1. The storm drain will be directional bore drilled beneath Franklin Street and the National Western Historic District property; no surface work or disturbance will occur. The work does require a surface easement of 43,787 square feet (1.005 acres) to accommodate the work and future maintenance of the storm drain. Because the work involves no surface activities or disturbances, and will not alter or diminish the



Figure 1: Graphic of Storm Drain (blue) and location within the resource boundary of 5DV10050 (purple)

characteristics of the resource qualifying it for inclusion on the National Register of Historic Places, the work will result in a determination of *no adverse effect* for each of the project alternatives.

The tables below reflect the previous determinations (Figure 2) consulted with and concurred upon by your office, and updated determinations (Figure 3) for which we are requesting concurrence under this submission.

Section 4(f) *de minimis* Notifications

The updated findings of *no adverse effect* under Section 106 reflect a conclusion that for the Section 4(f) historic site affected by the project, those effects will not “alter, directly or indirectly, any of the characteristics of [the] historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association” as described in 36 CFR § 800.5(a)(1). Based on this finding, FHWA intends to make a *de minimis* finding for the Section 4(f) requirements, highlighted in **green** in Figure 3.

Figure 2: Previous Determinations, National Western Historic District (5DV10050)

	No-Action Alternative		Revised Viaduct Alternative		Partial Cover Lowered Alternative (Preferred Alternative)
	North Option	South Option	North Option	South Option	
Section 106 Determination	No Historic Properties Affected	No Historic Properties Affected	No Adverse Effect	No Adverse Effect	No Adverse Effect
Section 4(f) Finding	No Use	No Use	No Use	No Use	<i>De minimis</i>

Figure 3: Updated Determinations, National Western Historic District (5DV10050)

	No-Action Alternative		Revised Viaduct Alternative		Partial Cover Lowered Alternative (Preferred Alternative)
	North Option	South Option	North Option	South Option	
Section 106 Determination	No Adverse Effect	No Adverse Effect	No Adverse Effect	No Adverse Effect	No Adverse Effect
Section 4(f) Finding	<i>De minimis</i>	<i>De minimis</i>	<i>De minimis</i>	<i>De minimis</i>	<i>De minimis</i>

We request your concurrence with the updated Determinations of Effect outlined above, and acknowledgement of the *de minimis* notifications. If you require additional information, please contact CDOT Region 1 Senior Historian Ashley L. Bushey at (303) 757-9397 or ashley.bushey@state.co.us.

Sincerely,



Charles Attardo
Region 1 Planning and Environmental Manager

CC:
Ashley L. Bushey, CDOT Region 1 Senior Historian
Vanessa Henderson, CDOT I70 East NEPA Manager
Carrie Wallis, I-70 East Project Manager (Atkins)



October 13, 2015

Charles Attardo
Region 1 Planning and Environmental Manager
Colorado Department of Transportation, Region 1
2000 South Holly Street
Denver, CO 80222

Re: Updated Effect Determinations and *De Minimis* Notification, Interstate 70 (I-70) East Corridor
Final Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS
#41831)

Dear Mr. Attardo:

Thank you for your additional correspondence dated and received by on October 9, 2015 regarding the review of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106). After review of the additional information concerning the requirement to add a storm drain under the north-west corner of the National Western Historic District (5DV.10050), we concur with the finding of *no adverse effect* [36 CFR 800.5(d)(1)] under Section 106 for the proposed undertaking.

We acknowledge that FHWA intends to make a *de minimis* determination in respect to the requirements of Section 4(f).

If unidentified archaeological resources are discovered during construction, work must be interrupted until the resources have been evaluated in terms of the National Register criteria, 36 CFR 60.4, in consultation with this office.

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings.

Please note that our compliance letter does not end the 30-day review period provided to other consulting parties. If we may be of further assistance, please contact Jennifer Bryant, our Section 106 Compliance Manager, at (303) 866-2673.

Sincerely,


Steve Turner, AIA
State Historic Preservation Officer



STATE OF
COLORADO

Bushey - CDOT, Ashley <ashley.bushey@state.co.us>

RE: I70E Updated 106 Effects

1 message

Roxanne Eflin <reflin@coloradopreservation.org>

Wed, Oct 14, 2015 at 2:13 PM

To: "Bushey - CDOT, Ashley" <ashley.bushey@state.co.us>

We are in concurrence with CDOT's finding of no adverse effect.

Roxanne Eflin

Executive Director

Colorado Preservation, Inc.

1420 Ogden St., Suite 104

Denver, CO 80218

303.893.4260, x222 - office

207.229.9465 - mobile

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From: Bushey - CDOT, Ashley [mailto:ashley.bushey@state.co.us]
Sent: Friday, October 09, 2015 1:33 PM
To: Roxanne Eflin <reflin@coloradopreservation.org>
Subject: I70E Updated 106 Effects

Ms. Eflin:

Please find enclosed a consultation letter reflecting modified determinations of Section 106 *effect* for the National Western Historic District (5DV10050) resulting from a re-designed storm water drainage. The work will involve a surface easement to accommodate sub-surface work: no surface work is needed to accommodate the work.

Due to tight internal timelines, this submission is communicated in electronic mail. A hard copy will follow by mail. Due to the tight timeline, we are requesting your review by **Monday October 19, 2015**. Please feel free to submit comments by reply to this email. Should your office elect not to comment, please indicate this intent via a reply to this email. Should you have questions or require additional information, please feel free to contact me.

Ashley

Ashley L. Bushey

Senior Historian
Planning & Environmental



COLORADO
Department of Transportation
Region 1

P 303.757.9397 | F 303.757.9036

2000 South Holly Street, Second Floor Denver, CO 80222

STATE OF
COLORADO

Bushey - CDOT, Ashley <ashley.bushey@state.co.us>

Updated DeMinimis CHS #41831

1 message

Gause, George - Community Planning and Development <George.Gause@denvergov.org>

Thu, Oct 15, 2015 at 1:43 PM

To: "Bushey - CDOT, Ashley" <ashley.bushey@state.co.us>

Ashley, CCD has no comment concerning the modified determination.

**George Gause | Senior City Planner-Landmark Preservation**

Community Planning & Development | Planning Services

City and County of Denver

720.865.2929 | george.gause@denvergov.orgDenverGov.org/CPD | @DenverCPD | Take our Survey

The Landmark Preservation Commission (LPC) filing deadline increases to four (4) weeks prior to each meeting in 2015.

Comments and correspondence concerning proposals or applications are based on information received by the requestor and a comparison of that information and the Secretary of the Interior's Standards, Design Guidelines for Landmark Structures and Districts, Landmark Preservation Ordinance; Chapter 30 Revised Municipal Code and other applicable adopted guidelines. Staff is providing these comments for informal informational purposes only. These comments do not replace the formal design review process. More specific answers to a proposal can only be given after full review of the required documentation is accomplished. Landmark staff is not responsible for building or zoning review. Please submit plans to those agencies for comment.

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October 16, 2015

VIA E-MAIL

Ms. Ashley Bushey
Region 1 Planning and Environmental
Senior Historian
Colorado Department of Transportation
2000 South Holly Street
Denver, CO 80247
ashley.bushey@state.co.us

Re: Response to Draft Section 106 Programmatic Agreement for I-70 East Corridor
Expansion

Dear Ms. Bushey:

As you know, this firm represents Fairmount Cemetery ("Fairmont"); the owner of Riverside Cemetery ("Riverside"), and a Consulting Party. We are in receipt of your correspondence dated October 4th, 2015, regarding the Draft Section 106 Programmatic Agreement for the I-70 East Corridor expansion project. We have reviewed the correspondence and at this time we reserve all rights (if any) to comment and object at a later date. You should be advised that under separate cover, we will be responding to a letter from Charles Attardo dated October 9, 2015, addressing certain updated effects of the I-70 corridor storm drain modifications. Briefly, Fairmount has renewed concerns about the I-70 storm drain outflow project and its effects on the historic resources within the cemetery, including those resources listed on the National Register of Historic Places.

As you know, RTD and BNSF are concurrently expanding their respective rail systems at the edge of Brighton Boulevard. The rail expansion will effectively bar access to the present entrance to Riverside, and all parties have been seeking a resolution of this matter. To mitigate the effect of the rail expansion, Fairmount may seek to create a new access. Conceivably, such access might cross CDOT's storm drain outflow. CDOT should coordinate with all parties to ensure that any rights secured by CDOT (and the physical facilities themselves) would not compromise the attempted mitigation of access issues. Without that coordination, RTD and CDOT projects may effectively seal off access to the Riverside property.

Ms. Ashley Bushey
Region 1 Planning and Environmental Senior Historian
Colorado Department of Transportation
October 16, 2015
Page 2

To the extent that the CDOT storm drain outflow project has adverse effects on historic resources at Riverside, including access to the cemetery, please consider this letter an expression of Fairmount's concerns and a request for further consultation. We would very much like to work with you to resolve this issue and are requesting a meeting under 23 CFR 774.5(b)(1)(i) and 36 CFR 800.5(2)(i).

Thank you for your time and consideration of our interests.

Sincerely,

Moye White LLP



Dominick Sekich



October 19, 2015

Mr. Charles Attardo
Region 1 Planning and Environmental Manager
Colorado Department of Transportation
2000 South Holly Street
Denver, CO 80247

Re: Concerns With Drainage Easement for I-70 East Corridor Expansion

Dear Mr. Attardo:

As you know, this firm represents Fairmount Cemetery, the owner of Riverside Cemetery, and a Consulting Party. We are in receipt of your letter dated October 9th, 2015 regarding the Updated Effect Determinations and De Minimis Notification for the I-70 East Corridor expansion project's drainage easement. We are concerned with CDOT's De Minimis and No Adverse Effect findings and we would like to request a meeting to voice our concerns pursuant to 23 CFR 774.5(b)(1)(i) and 36 CFR 800.5(2)(i).

As you know, RTD and BNSF are concurrently expanding their respective rail systems at the edge of Brighton Boulevard. The rail expansion will effectively bar access to the present entrance to Riverside Cemetery, and all parties have been seeking a resolution of this matter. To mitigate the effect of the rail expansion, the parties may seek to create a new access. Conceivably, such access might cross CDOT's storm drain outflow. We think it is advisable that CDOT coordinate with Fairmount, RTD, the City of Denver and BNSF to ensure that any rights secured by CDOT (and the physical facilities themselves) would not compromise the attempted mitigation.

As you are aware, a 4(f) De Minimis finding, pursuant to 23 CFR 774.17(5)(1) requires that a project be determined to have "no adverse effect." Under 36 CFR 800.5 (a)(1) "an adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. . . . Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative." The cumulative impact of the proposed RTD and CDOT projects may cut off access to Riverside Cemetery's historic property. We are concerned with this possibility.

To the extent that the CDOT storm drain outflow project has adverse effects on historic resources at Riverside Cemetery, including access to the cemetery, please consider this letter an expression of Fairmount's concerns and a request for further consultation. We

October 19, 2015

Page 2

would very much like to work with you to resolve this issue and are requesting a meeting under 23 CFR 774.5(b)(1)(i) and 36 CFR 800.5(2)(i).

Thank you for your time and consideration of our interests.

Sincerely,

Moye White LLP

A handwritten signature in blue ink, appearing to read "Dominick Sekich". The signature is fluid and cursive, with a large initial "D" and a stylized "S".

Dominick Sekich

HMD



COLORADO

Department of Transportation

Region 1

Planning & Environmental
2000 South Holly Street,
Denver, CO 80222-4818

October 23, 2015

Mr. Steve Turner, A.I.A.
State Historic Preservation Officer
History Colorado
1200 Broadway
Denver, CO 80203

SUBJECT: APE Modification and Updated Effect Determinations, Interstate 70 (I-70) East Corridor Final Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS #41831)

Dear Mr. Turner,

In correspondence dated October 9, 2015, we communicated a change in drainage configuration accessing the South Platte River via a sub-surface pipe beneath the north-western corner of the National Western Stock Show Historic District (5DV10050). Your office concurred with the determination of *no adverse effect* for that work relative to resource 5DV10050. The initial configuration for the drainage outfall connected to the Burlington Ditch/O'Brien Canal (5AM465). The newly identified configuration, reflected in the correspondence of October 9, 2015, ties into the South Platte River south of the Canal; leaving resource 5AM465 unaffected by the project. Additional details are reflected below.

Area of Potential Effect Update: The Area of Potential Effect (APE), as previously defined, ran north of Race Court from Brighton Boulevard to the South Platte River to accommodate effects associated with the drainage and outfall planned in this area. Because the drainage is now planned to access the South Platte by crossing under Race Court and Franklin Street within the boundary of the National Western Stock Show (5DV10050), the APE line has been adjusted to include the north-western corner of that resource to account for the sub-surface drainage work. Please refer to the attached APE graphic for additional detail.

Eligibility

Burlington Ditch/O'Brien Canal (5AM465): The entire Burlington Ditch/O'Brien Canal was determined *officially eligible* for inclusion in the NHRP in 1988. The resource is significant under Criterion A for its association with the development and expansion of irrigation works into northeast Colorado. Within the recorded segment (5AM465.9), thirteen (13) crossing structures traverse the ditch, and several portions of the ditch have been lined with concrete. These alterations impact a small portion of the ditch and the recorded segment retains sufficient integrity to support the eligibility of the entire linear resource under Criterion A for its association with the development and expansion of irrigation works in northeast Colorado.

Effects Update

Burlington Ditch/O'Brien Canal (5AM465): The project initially included a stormwater outfall structure accessing the South Platte River via the subject ditch structure. The proposed action was part of each project alternative: No-Action (North Option and South Option), Revised Viaduct (North Option and South Option), and Partial Cover Lowered (Basic and Modified Options). This work resulted in a determination of *no*

adverse effect to resource 5AM465, including segment 5AM465.9. Concurrence on this determination was offered by Colorado SHPO by a letter dated April 27, 2015.

Further design work has resulted in a re-design stormwater outfall access to the South Platte, routing the outfall south of Race Court and under Franklin Street through the north-western corner of the National Western Stock Show (5DV10050). All work within the boundary of resource 5DV10050 will be sub-surface, and was consulted on with your office by a letter dated October 9, 2015. Moving the proposed outfall access south of Franklin Street avoids the Burlington Ditch/O'Brien Canal. Diversion structures and the headgate associated with the ditch are located north of Franklin Street. Please refer to the enclosed outfall graphic for additional details. This work is proposed under all project alternatives: No-Action (North Option and South Option), Revised Viaduct (North Option and South Option), and Partial Cover Lowered (Basic and Modified Options). Because the work results in avoidance of the ditch structure, the work will result in a determination of *no historic properties affected* under each project alternative with regard to resource 5AM465.

We request your comments on the modified Area of Potential Effect and concurrence with the updated Determinations of Effect outlined above. If you require additional information, please contact CDOT Region 1 Senior Historian Ashley L. Bushey at (303) 757-9397 or ashley.bushey@state.co.us.

Sincerely,



for Charles Attardo
Region 1 Planning and Environmental Manager

Enclosures:
APE Graphic for Modified Area
Stormwater Outfall Graphic

CC:
Vanessa Henderson, CDOT I70 East NEPA Manager
Carrie Wallis, I-70 East Project Manager (Atkins)



October 23, 2015

Charles Attardo
Region 1 Planning and Environmental Manager
Colorado Department of Transportation, Region 1
2000 South Holly Street
Denver, CO 80222

Re: APE Modification and Updated Effect Determinations, Interstate 70 (I-70) East Corridor Final Environmental Impact Statement Re-evaluation, Denver County and Adams County (CHS #41831)

Dear Mr. Attardo:

Thank you for your additional correspondence dated and received by email on October 23, 2015 regarding the review of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106). After review of the additional information concerning alteration of the Area of Potential Effects (APE) associated with the addition of a storm drain under the north-west corner of the National Western Historic District (5DV.10050), we do not object to the revised APE for the project.

Additionally, we concur with the finding of *no historic properties affected* [36 CFR 800.4(d)(1)] under Section 106 for resource 5AM.465, including segment 5AM.465.9.

If unidentified archaeological resources are discovered during construction, work must be interrupted until the resources have been evaluated in terms of the National Register criteria, 36 CFR 60.4, in consultation with this office.

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings.

Please note that our compliance letter does not end the 30-day review period provided to other consulting parties. If we may be of further assistance, please contact Jennifer Bryant, our Section 106 Compliance Manager, at (303) 866-2673.

Sincerely,

Steve Turner, AIA
State Historic Preservation Officer

STATE OF
COLORADO

Bushey - CDOT, Ashley <ashley.bushey@state.co.us>

RE: I70E APE Modification and Effects Update

1 message

Roxanne Eflin <reflin@coloradopreservation.org>

Fri, Oct 23, 2015 at 4:36 PM

To: "Bushey - CDOT, Ashley" <ashley.bushey@state.co.us>

Dear Ashley:

Please consider this Colorado Preservation, Inc.'s official response in concurrence with CDOT's determination of no adverse effect regarding the Modifications of Area of Potential Effect and the updated Determinations of Effect (CHS #41831), I-70 East Corridor.

Roxanne Eflin

Executive Director

Colorado Preservation, Inc.

1420 Ogden St., Suite 104

Denver, CO 80218

[303.893.4260](tel:303.893.4260), x222 - office[207.229.9465](tel:207.229.9465) - mobile*Become a sustaining donor today.*Colorado Preservation, Inc.
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Help support the initiative to bring a Historic Preservation License Plate to Colorado!

From: Bushey - CDOT, Ashley [mailto:ashley.bushey@state.co.us]**Sent:** Friday, October 23, 2015 1:51 PM**To:** Roxanne Eflin <reflin@coloradopreservation.org>

Subject: I70E APE Modification and Effects Update

Good Afternoon Ms. Eflin,

Please find enclosed a letter and graphics requesting your review of an updated APE and effect determination for the I70E project. A hard copy will follow by mail.

Once again, due to tight internal deadlines, we are requesting your response by **Friday October 30, 2015**. My sincere apologies this tight request.

Please feel free to contact me if you require additional information,

Ashley

Ashley L. Bushey

Senior Historian
Planning & Environmental



COLORADO
Department of Transportation
Region 1

P 303.757.9397 | F 303.757.9036

2000 South Holly Street, Second Floor Denver, CO 80222

ashley.bushey@state.co.us | www.coloradodot.info | www.cotrip.org

<https://www.codot.gov/>



STATE OF
COLORADO

Bushey - CDOT, Ashley <ashley.bushey@state.co.us>

RE: I70E APE Modification and Effects Update

1 message

Patricia Carmody <heritage@fairmountheritagefoundation.org>
To: "Bushey - CDOT, Ashley" <ashley.bushey@state.co.us>

Mon, Nov 2, 2015 at 10:00 AM

Fairmount Heritage Foundation has no comment.

Patricia Carmody

Fairmount Heritage Foundation

430 S. Quebec St.

Denver Co 80247

303-322-3895

fairmountheritagefoundation.org

facebook.com/pages/Denver-CO/Fairmount-Heritage-Foundation/190008257685758

facebook.com/pages/Historic-Riverside-Cemetery-Fairmount-Heritage-Foundation/138426689565153

facebook.com/pages/Historic-Fairmount-Cemetery-Fairmount-Heritage-Foundation/244900925536680

From: Bushey - CDOT, Ashley [mailto:ashley.bushey@state.co.us]

Sent: Friday, October 23, 2015 1:53 PM

To: Patricia Carmody <heritage@fairmountheritagefoundation.org>

Subject: I70E APE Modification and Effects Update

Good Afternoon Ms. Carmody,

Please find enclosed a letter and graphics requesting your review of an updated APE and effect determination for the I70E project. A hard copy will follow by mail.

Once again, due to tight internal deadlines, we are requesting your response by **Friday October 30, 2015**. My sincere apologies this tight request.

Please feel free to contact me if you require additional information,

Ashley

Ashley L. Bushey

Senior Historian
Planning & Environmental

P 303.757.9397 | F 303.757.9036

2000 South Holly Street, Second Floor Denver, CO 80222

ashley.bushey@state.co.us | www.coloradodot.info | www.cotrip.org

<https://www.codot.gov/>



I-70 East

October 14, 2015

Allegra "Happy" Haynes
Executive Director
Denver Parks & Recreation Department
201 West Colfax Ave, Dept. 601
Denver, CO 80202

RE: I-70 East Highway Project

Dear Ms. Haynes:

The Colorado Department of Transportation (CDOT), in coordination with the Federal Highway Administration (FHWA), is conducting an Environmental Impact Statement (EIS) process for the proposed improvements to I-70 in the Denver metropolitan area between I-25 and Tower Road. The proposed project includes drainage easements/access permits and a drainage drop structure that would impact the South Platte River Greenway and Globeville Landing Park in the City and County of Denver, Colorado. CDOT does acknowledge that the City and County of Denver is planning a regional drainage project in the area as well and once both projects are into design, the locations of this proposed drainage may change. Additional consultation will occur if that happens.

Globeville Landing Park is afforded protection under Section 4(f) legislation of the U.S. Department of Transportation Act of 1966. This recreational facility is also a feature of the South Platte River Greenway, which is afforded protection under Section 6(f) legislation under the Land and Water Conservation Fund (LWCF) Act of 1965. Brief summaries of this legislation are included in this letter as well as a summary of proposed impacts to and mitigation measures for these recreational resources.

This letter is to request concurrence from you, as the Official with Jurisdiction (OWJ) for Globeville Landing Park and the South Platte River Greenway, on the following items:

1. The proposed project will have a temporary non-conforming use of the South Platte River Greenway north of I-70 due to construction of an underground drainage system under Section 6(f)(3) of the Land and Water Conservation Act of 1965.
2. The proposed project will have a direct use of Globeville Landing Park under Section 4(f) of the Department of Transportation Act of 1966 due to construction of a 0.3-acre boulder drop structure in the park.
3. The proposed project will permanently convert 0.3 acre of Globeville Landing Park, which is a feature of the South Platte River Greenway, into non-recreational use and will mitigate the



converted land in-kind in accordance with Section 6(f)(3) of the Land and Water Conservation Act of 1965.

Section 4(f) Explained

Section 4(f) of the U.S. Department of Transportation Act of 1966 affords special protection to parks and recreational resources and requires specific mitigation when these resources are impacted by federally funded transportation projects. FHWA cannot use publicly owned recreation property unless:

- There is no feasible and prudent avoidance alternative, as defined in 23 CFR Section 774.17, to the use of land from the property, and
- The action includes all possible planning, as defined in Section 23 CFR 774.17, to minimize harm to the property resulting from this use.

Section 6(f) Explained

The LWCF Act of 1965 provides matching grants to state and local governments for the acquisition and development of public outdoor recreation areas and facilities. The program is intended to create and maintain a nationwide legacy of high-quality recreation areas and facilities, and to stimulate non-federal investments in the protection and maintenance of recreation resources across the United States. Section 6(f)(3) of the LWCF Act prohibits the conversion of property acquired or developed with grants from this fund to a non-recreational purpose without the approval of the National Park Service (NPS) and replacement lands of equal value, location, and usefulness.

South Platte River Greenway North of I-70

This greenway, including various parks and a trail, was constructed gradually, starting in 1974, after the formation of the South Platte River Greenway Project and subsequent Greenway Foundation funding from Denver Parks and Recreation, in addition to other public and private sources.

Project Impacts to South Platte River Greenway North of I-70

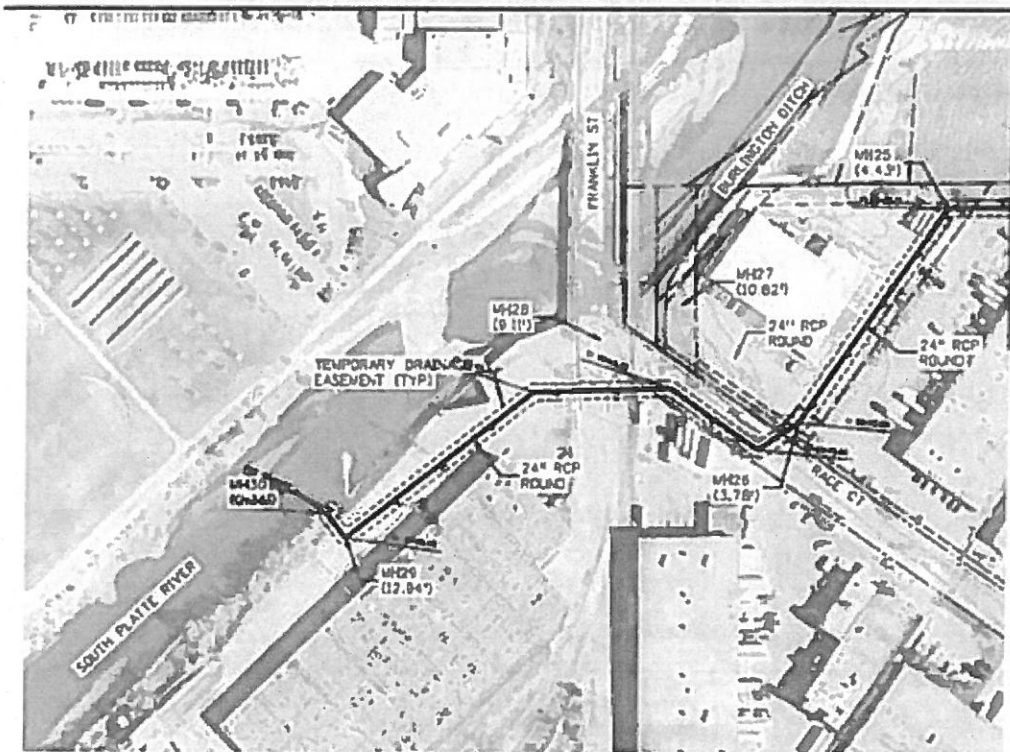
All of the I-70 East project alternatives will require a drainage easement/access permit on the north side of I-70 for a storm drain. Construction of a drain pipe will temporarily impact the South Platte River Greenway at its location west of the Franklin Street Bridge over the South Platte River on the east bank of the river. The storm drain will be entirely underground and emerge from the bank above the river. The relatively low flows from the pipe will allow the runoff to discharge directly into the river. No energy dissipation or erosion protection is needed. A 52-foot-wide drainage easement/access permit area will be centered on the pipe alignment. The easement placed on the pipe alignment will allow for future maintenance of the pipe. The location of the planned storm drain is shown on Figure 1 on the next page.

Mitigation Measures

For all of the alternatives, the temporary impact of the South Platte River Greenway will be minimized by providing an adequate notice and signing to Greenway users prior to construction. Following construction, areas of temporary disturbance to the Greenway will be returned to pre-construction conditions.



Figure 1: South Platte River Greenway Location and Storm Drain Location



Section 6(f)(3) Determination

The storm drain pipe for this alignment will fall within the underground utility easement exception under Section 6(f). As noted on Page 8-12 of the LWCF State Assistance Program's Federal Financial Assistance Manual (October 2008), "The State may allow underground utility easements within a Section 6(f)(3) area as long as the easement site is restored to its pre-existing condition to ensure the continuation of public outdoor recreational use of the easement area within 12 months after the ground within the easement area is disturbed."

Globeville Landing Park

Globeville Landing Park is a community park adjacent to the South Platte River Trail, owned and operated by Denver Parks and Recreation. The park provides riverfront access and includes a picnic area, a connection to the South Platte River Greenway Trail, and a disc golf course.

Impacts to Globeville Landing Park

The project's identified preferred alternative includes construction of a storm drainage system south of I-70. This system proposes an outfall to the South Platte River that is located in Globeville Landing Park. The system will bury approximately 430 linear feet of storm drain pipe across the park, terminating at the river. A 52-foot wide drainage easement/access permit area will be centered on the pipeline alignment. The easement will allow for future maintenance of the storm drain.



Temporary impacts to the park only last for the duration of construction of the drainage pipe, and the park will be returned to its preconstruction condition. Permanent ground disturbance will consist of constructing a 0.3-acre boulder drop structure along the west end of the pipe at its terminus near the South Platte River. This drop structure is needed for energy dissipation. Figure 2 shows the construction limits of the drainage system and the drop structure.

Figure 2: Globeville Landing Park Location and Drainage Location



Mitigation Measures

To minimize the use of the park, an alignment north of the South Platte River Greenway Trail and bridge over the South Platte River was selected for the storm drainage system through the park. This alignment also avoids placement of storm manhole lids within the park, which will permanently use the park. Most of this alignment option is a temporary disturbance to the park and the drainage easement/access permit area will be available for recreational use following construction, with the exception of constructing a 0.3-acre drop structure. To offset this impact, the 0.3-acre drop structure of the park permanently converted to a non-recreation use will be replaced in-kind with land of at least current fair market value and of reasonable equivalent usefulness and location. Also, since the drainage easement/access permit area could also limit the function of the area in the future (City and County of Denver may not want to put certain activities there in case repairs would need to occur), the 22,360 square foot area will also be replaced in-kind with land of at least current fair market value and of reasonable equivalent usefulness and location.

With the exception of constructing a boulder drop structure, use of the property will be limited to temporary ground-disturbing activities, which will remove ground vegetation and trees, and will temporarily diminish the use of the disc golf course. After the storm drain is put into place, all of the

easement, except the 0.3-acre drop structure, will be available for recreational use, although the aesthetics of the immediate area will be disturbed by construction. As mentioned, following construction, areas of temporary disturbance will be returned to pre-construction conditions. This includes any impact to the disc golf course and replacement of vegetation and trees.

To provide the replacement land, the I-70 East project team is investigating acquiring additional land that the City and County of Denver has identified near Milstein Park, which is also along the South Platte River trail. Figure 3 below shows the general location of Milstein Park.

Figure 3: LWCF Mitigation Property General Location



Section 4(f) Determination

Due to the easement for the drainage pipe and the drop structure impacts to 0.3 acre of the Globeville Landing Park, FHWA and CDOT currently believe that the impacts resulting from the project's identified preferred alternative present a direct use of this resource. An avoidance alternative of routing the storm drain pipe to the north of Globeville Landing Park through the UPRR right of way was considered. However, due to the invert elevation and presence of two historic brick sanitary sewer lines, the storm drain pipe would need to be buried approximately 40 feet below ground level at the UPRR crossing. This alignment would cause adverse effect to the historic brick sanitary sewer lines and is not considered

prudent. In addition, a minimization alternative was considered to connect the pipe with the existing drainage pipe on the south side of Globeville Landing Park. This existing storm drain does not have the capacity to convey the large flows required. In addition, increasing this capacity would require enlarging the existing water quality pond in the park and it is doubtful the required grades needed for a larger capacity pipe are feasible in this area.

Section 6(f)(3) Determination

The storm drain pipe for these alignments will fall within the utility easement exception under Section 6(f) previously discussed. However, the construction of a drop structure in Globeville Landing Park will require the permanent conversion of approximately 0.3 acre of the park into a non-recreational use. Conversion of the park will be mitigated in-kind in accordance with Section 6(f)(3) of the LWCF Act, which requires land of comparable value and equivalent usefulness and location. Coordination with, and approval from, the National Park Service will be required prior to any Section 6(f) property conversion.

To acknowledge receipt of this letter and your concurrence with the impacts, determinations, and mitigation listed above, please provide your signature on the next page.

Sincerely,



Vanessa Henderson
I-70 East NEPA Manager
Colorado Department of Transportation

cc: Troy Halouska, CDOT

As the party responsible for the management of the Section 4(f) and Section 6(f) properties identified in this letter, I am in concurrence with the above Section 4(f) and Section 6(f) determinations and the proposed mitigation measures.



Allegra "Happy" Haynes, Executive Director
Denver Parks & Recreation

10-15-15

Date

